



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

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**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 submitted to delegates for reference under item 3 of the agenda at the Annual Meeting of the NCPs on 15-16 June 2005. It is a compilation of the NCP reports submitted by each delegation which have been received to date.

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ARGENTINA / ARGENTINE

A. Institutional Arrangements

The Argentine NCP for the OECD Guidelines is Ambassador Felipe Frydman, Head of the National Direction of International Economic Negotiations (DINEI), Ministry of Foreign Affairs, International Trade and Worship. The contact details are as follows:

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Buenos Aires
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The Argentine NCP consults other government departments as necessary. In this respect, the NCP draws on the expertise of relevant government agencies such as the Ministry of Labour.

The Argentine NCP answers any request of the social partners including business, trade unions and other NGO representatives. The NCP also welcomes the input of NGOs and civil society.

B. Information and Promotion

Regarding information and promotion of the guidelines in Argentina during the period, the NCP participated in seminars organized by NGOs in order to raise awareness of the guidelines. He also attended corporate social responsibility conferences hosted by NGOs. In November 2004 the NCP organized a meeting for the promotion of the OECD Guidelines for Multinational Enterprises. Representatives from the private sector, trade unions and NGOs were speakers in the meeting, which was addressed to the society at large.

The NCP offers full cooperation to trade unions, business community, NGOs and interested public in order to inform about the Guidelines scope and participates in activities as seminars, meetings with NGOs, etc. Informational enquires has been received from NGOs. All their questions have been answered. The NCP has received proposals from NGOs in order to improve the social awareness and implementation of the guidelines, which are being analyzed.

C. Implementation in Specific Instances

The NCP follows the procedure described in the Guidelines to deal with specific instances. At this stage it is not considered appropriate to formalize further detailed procedures.

One specific instance has been brought to the attention of the NCP:

In December 2004, the NCP received a request from a trade union regarding an Argentine subsidiary of a multinational Enterprise. The submission cited the OECD Guidelines Chapter II: General Principles and Chapter IV: Employment and Industrial Relations. The NCP accepted this request and discussed this issue in some meetings. NCP works in cooperation with officials from the Ministry of Labor in this case.

D. Other

The core criteria for the operation of the NCPs have been applied in Argentina to further the effectiveness of guidelines implementation:

- **Visibility:** The guidelines are readily available through the Ministry website and in other ways.
- **Accessibility:** The NCP has responded to all requests of information received.
- **Transparency:** Every activity of the NCP has been transparent. The NCP has given information to all the requirements that he has received.
- **Accountability:** The NCP is accountable to the Government through The Ministry of Foreign Affairs, International Trade and Worship.

Other information on the nature and results of NCP activities:

- There has been one specific instance raised to date.
- The NCP has promoted the guidelines, distributed information about them and raised awareness of them in Argentina.

AUSTRALIA / AUSTRALIE

The 2004-2005 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 been focussed on finalising the upgrade of the website, promoting the Guidelines to business groups and developing a more targeted approach to the consultation process with government agencies, non-government organisations (NGOs), business, and other social partners.

A. Institutional Arrangements

(Annexes 1 and 2 to the Common Framework for Annual Reporting by NCPs require updating)

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: anpc@treasury.gov.au
Website: www.ausnccp.gov.au

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.

The Australian NCP liaises with other government departments as necessary. This includes holding interdepartmental meetings chaired by the Australian NCP to discuss the Guidelines and related issues.

The Australian NCP holds bi-annual community consultations with social partners including business, trade unions and other NGO representatives. The consultations aim to provide a forum for interested parties to raise issues relevant to the Guidelines with the Australian NCP, facilitate discussion on OECD Investment Committee working papers, and provide ideas and assistance with the promotion of the Guidelines. The Australian NCP also seeks comments from its social partners on OECD working papers throughout the year.

In the examination of specific instances, the Australian NCP may establish special advisory consultation groups of interested parties, including from other government agencies, members from the business community, labour federations, other NGOs and experts in the fields relevant to the issues raised.

B. Information and Promotion

(Annex 3 to the Investment Committee Common Framework for Annual Reporting by National Contact Points requires updating)

The NCP's activities in 2004-2005 include:

- Consultation sessions with social partners in Canberra in November 2004 and Melbourne in May 2005. The November consultation was targeted towards greater business participation and included presentations by Australia's Export Finance and Insurance Corporation and Attorney-General's Department. This consultation attracted the attendance of representatives from a number of Australia's large multinational enterprises. The May consultation was attended by representatives from a diverse range of organisations including OECD Watch, tertiary education institutions, business, trade unions and other NGOs. Topics discussed at the consultations included:
 - the NCP's report on OECD Investment Committee meetings and recent developments, including updates on the Investment Committee's work on a Policy Framework for Investment, the synergies between official development aid and investment, and investor protection provisions in bilateral treaties,
 - issues arising from the 2004 Annual Meeting of NCPs, including the outcome of the enhanced reporting requirements for specific instances and the OECD work programme on the Guidelines,
 - progress made on the Investment Committee's work programme and consultations on 'Conducting Business with Integrity in Weak Governance Zones',
 - the outcomes of the 2004 OECD Corporate Responsibility Roundtable on the environment,
 - preparation for the 2005 OECD Corporate Responsibility Roundtable on the OECD Guidelines and the Developing World,
 - the key issues discussed at the OECD Watch International Multistakeholder Round Table: Putting the OECD Guidelines for MNEs into Practice,
 - the April 2005 Investment Committee consultations with BIAC, TUAC and OECD Watch,
 - the latest developments in corporate social responsibility initiatives at the international level, which included a presentation by Paul Hohnen, a Special Advisor to the Global Reporting Initiative and former Australian diplomat to the OECD,
 - activities of the Australian NCP,
 - the outcomes of the November 2004 consultation and how the Australian NCP can improve the consultation process,
 - the management systems the Australian Export Finance and Insurance Corporation have in place to meet its environmental and social responsibilities, and the role of the Guidelines,
 - Australia's obligations under the OECD Convention on Combating Bribery of Foreign Public Officials in International business Transactions (OECD Bribery Convention). Officials from Australia's Attorney-General's Department gave a presentation on the implications for business,

- the question of social objectives in free trade agreements, which included a report from the ACTU on the joint ACTU and Monash University China Symposium (held in February 2005) on this issue;
- Finalised the review and upgrade of the website dedicated to the Australian NCP and the Guidelines (www.ausncp.gov.au). The upgrade has improved registered users' access to the secure section of the site and has thereby enhanced the ability of the NCP to consult with social partners electronically. The upgrade was also aimed at making the website more user friendly and increasing public access to Guidelines related documents and related websites.
 - This website provides: the text of the Guidelines; a secure section for registered social partners to access and comment on 'for official use' Investment Committee and Guidelines related OECD material; the NCP's service charter; procedures for lodging specific instances and the NCP's procedures for handling them; frequently asked questions about the Guidelines and specific instances; a notice board publicising upcoming events and additions to the site; links to related sites; and a compilation of related documents. The related documents section also includes documents by NGOs, academics and other interested parties;
- Outreach to the business community with regard to promoting the Guidelines and efforts to establish a network of business contacts to consult on the Guidelines and related issues. The Australian NCP has continued to strengthen relationships with business contacts developed through the presentations given to business on the Guidelines during 2003/04. The NCP has also continued efforts to expand its network of business contacts by engaging in dialogue with other business organisations, such as the Australian Business Foundation and the Australian Stock Exchange Corporate Governance Council. These contacts have helped the Australian NCP facilitate the following:
 - a presentation on the OECD Guidelines and OECD Corporate Governance Principles to the Australian Stock Exchange Corporate Governance Council at its September 2004 meeting. The Australian NCP also distributed information packs on bribery and the OECD Bribery Convention. The Australian Stock Exchange Corporate Governance Council comprises representatives from 21 business groups from various backgrounds and has recently developed and implemented a voluntary framework for corporate governance - 'Principles of Good Corporate Governance and Best Practice Recommendations', and
 - increased business attendance and participation at the November 2004 Australian NCP community consultation;
- Provided for the inclusion of an attachment providing information on the OECD Guidelines and the Australian National Contact Point in all foreign investment approvals for business proposals granted by the Foreign Investment Review Board;
- Chaired an interdepartmental meeting on the Guidelines and related OECD Investment Committee and corporate social responsibility issues. Representatives from eight government agencies attended;
- Attended regular interdepartmental committee meetings Chaired by the Attorney-General's Department on bribery and the OECD Bribery Convention. The ANCP has also met separately with the Attorney-General's Department to explore increased cooperation between the agencies on raising awareness of the OECD Guidelines and the OECD Bribery Convention;
- Continued efforts to promote the Guidelines through embassy and consular networks. This has included briefing senior officials in person prior to them taking up postings and

incorporating information on the Guidelines into information packs provided to all Australian Government officials taking overseas postings;

- Continued efforts to attend corporate social responsibility conferences hosted by other organizations (e.g. the 2004 Prime Minister's Community Partnership Conference and Awards and the bi-annual Department of Foreign Affairs and Trade and NGO Human Rights Consultations);
- Continued contact with NGOs outside the formal bi-annual consultation process seeking comments, advice and briefing prior to Investment Committee meetings;
- Incorporated talking points on the OECD Guidelines in the Australian Treasurer's address, 'The Challenge of Poverty Reduction', at the Australian Council for International Development dinner, held in August 2004; and
- Provided advice and information on the OECD Guidelines to Australia's Department of Foreign Affairs and Trade for the purpose of responding to a request from the United Nations Office of the High Commissioner for Human Rights on existing initiatives relating to the responsibilities of transnational corporations with regard to human rights.

C. **Implementation in Specific Instances**

Detailed procedures, consistent with the OECD's procedural guidance for dealing with specific instances, were put in place by the Australian NCP in December 2002 after extensive consultation with interested social partners. The procedures are available at <http://www.ausncp.gov.au> and are outlined below. The procedures will be reviewed periodically in the light of experience gained in the handling of specific instances.

No specific instances have been raised with the Australian NCP over the period 2004-2005.

How to Raise a Specific Instance with the Australian NCP

Prior to raising formally a specific instance concerning an enterprise's corporate behaviour, it is advisable to first email or telephone the Australian NCP to discuss the nature of the specific instance. This will aid in determining whether the specific instance should and can be handled by the NCP and provides the opportunity to discuss the procedure for lodging the specific instance.

When making a specific instance, parties are encouraged to complete the Form for Making a Specific Complaint Under the Guidelines. However, specific instances will be accepted in any written form.

Procedures for Reviewing Specific Instances

In keeping with the "Decision of the Council on the OECD Guidelines for Multinational Enterprises", the Australian NCP is committed to contributing to the resolution of issues relating to the implementation of the Guidelines. When specific issues are raised with the NCP, it will offer a forum for discussion and assist, in accordance with applicable law, the business community, employee organisations and other parties concerned deal with the issue raised in an efficient and timely manner. In providing this assistance the NCP will:

- Make an initial assessment of whether the issue raised warrants further examination and respond to the complainant. The action the NCP undertakes depends on the:
 - Seriousness of the issue;
 - Level of the documentary evidence available; and
 - Relevance of applicable laws and related procedures. If the NCP considers that further action is not required, it will provide reasons for the decision.
- Where the issue raised warrants further examination, the NCP will offer assistance to help resolve the issue.
 - The NCP may consult the MNE concerned and where relevant:
 - Seek advice from relevant government authorities, and/or representatives of the business community, employee organisations, other non-government organisations, and relevant experts;
 - Consult the NCP in the other country or countries concerned;
 - Seek guidance from the Investment Committee if it has any doubts with regard to the interpretation of the Guidelines in particular circumstances; and
 - Facilitate access to consensual and non-adversarial means of resolution.
 - A special consultation group of interested parties that the NCP can call upon for advice may be formed to consider the issue. The consultation group may include representatives from other government agencies, the business community, labour federations and other NGOs and experts.
 - The effectiveness of the review will depend on the level of confidentiality required and the level of co-operation from all parties concerned.
 - The NCP will strive to resolve the issue by mediation and conciliation.
- If parties involved do not reach agreement on the issues raised, the NCP will issue a statement making recommendations as appropriate on the implementation of the Guidelines.
- If issues arise in non-adhering countries, the NCP will take steps to develop an understanding of the issues involved, and follow the above procedures where relevant and practicable.
- The NCP will endeavor to handle specific instances as quickly as possible and to keep the parties informed of progress in accordance with its Service Charter.

Clarifications

As the Guidelines are drafted in general terms “clarifications” of the meaning of the Guidelines may be necessary in particular circumstances. The purpose of the clarification is to provide additional information about whether, and how, the Guidelines apply to a particular situation. Although clarifications may arise in connection with the activities of an enterprise, they are not intended to assess the appropriateness of that enterprise's conduct.

Whenever a NCP gives its opinion regarding the relevance of the Guidelines in specific instances, it will endeavour to be mindful of the international character of the Guidelines and the need to avoid conflicting national interpretations. Where there is any doubt with regard to the applicability of the Guidelines, or where there are divergent views, the matter will be brought to

the attention of the OECD Investment Committee before the NCP gives a final assessment. While final responsibility for clarifications rest with the Investment Committee, NCPs are required to assume majority of the task of ensuring that the meaning of the Guidelines is clear in each national context.

Clarifications are not judgments on the behaviour of individual enterprises. As a result, clarifications by the Investment Committee do not refer to individual firms by name.

Confidentiality

Information communicated to the NCP by any party to a specific instance (including the complainant, the enterprise concerned, and other parties with whom the NCP consults) will be treated confidentially by the NCP. The information provided by each party may be communicated to any other party during the process of an assessment, but only with the prior consent of the party that provided the information. Such information is assumed to have been provided on condition that the information is kept confidential for the period of the assessment unless the party supplying the information indicates approval for wider disclosure.

Parties should be aware that information and documents provided to the NCP will be subject to the operation of the *Freedom of Information Act 1982*, and could be released to an applicant under that Act, unless the information was exempt from production. Parties should also be aware that the Commonwealth Parliament can seek the production of information and documents from the NCP.

Specific Instances considered by NCPs to date

No specific instances have been raised with the Australian NCP since the 2000 review of the Guidelines.

D. Other

Activities such as the upgrade of the website, the bi-annual community consultations with interested social partners, presentations to business representatives, chairing interdepartmental meetings and efforts to promote of the Guidelines through embassy and consular networks, among other activities, are good examples of how the Australian NCP has been operating in accordance with the core criteria for the operation of NCPs - visibility, accessibility and transparency.

AUSTRIA / AUTRICHE

1. Institutional Arrangements

The Austrian National Contact Point is located at the Federal Ministry of Economics and Labour, as an integral part of the Export and Investment Policy Division (Head: Manfred Schekulin).

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Phone number: +43 1 71100 5180 or 5792

Fax number: +43 1 71100 15101

E-mail address: POST@C25.bmwa.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 Economics and Labour 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 2 meetings (on 27 October 2004 and 18 May 2005). The Advisory Committee has discussed all relevant business of the Contact Point, including the present annual report.

2. Information and Promotion

The OECD Guidelines are available on several Austrian websites, e.g. on a special website of the Federal Ministry of Economics and Labour (www.oecd-leitsaetze.at) and on the websites www.wko.at/eu/handel/oecd.htm and www.akwien.at.

Moreover, 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
- a brochure presenting the OECD Guidelines

There have been no specific enquires from other NCPs or governments of non-adhering countries so far.

3. Implementation in specific instances

There have been 2 specific instances in the period under review. Both cases were introduced by enterprises and involved business activities in non-adhering countries. Both cases involved a variety of chapters of the Guidelines. One case concerning the trading in and possibly the equipment of special motor vehicles, after having contacted the national contact point of the adhering country where are located the headquarters of the enterprise blamed to have violated the Guidelines, as well as after having organized a first confrontation of that enterprise with the complainant, was ceded to that national contact point by mutual agreement. In the other case - concerning trading in raw materials - the Contact Point, after having contacted the national contact points of the adhering countries where are located the headquarters of the enterprises blamed to have violated the Guidelines, as well as after having done the first examination of the complaint, decided not to open any further procedure, because of the fact that the business activities didn't have the necessary character of an investment relation. To this decision the complainant has raised an objection, being under examination.

There is consensus that in specific instances brought before the Contact point the rules of procedure recommended by the OECD will be followed.

BELGIUM / BELGIQUE

A. Modalités institutionnelles

- Le Point de Contact National belge est établi auprès du

Service Public fédéral Economie, PME, Classes moyennes & Energie
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- Le Point de Contact National belge est composé de manière tripartite selon la répartition suivante :

Président du Point de Contact National : Monsieur R. Charlier, Directeur général honoraire du Service Public fédéral Economie, P.M.E., Classes moyennes & Energie.

Secrétariat : Mme C. Vanstraelen du Service Public fédéral Economie, P.M.E., Classes moyennes & Energie.

Un représentant des services publics fédéraux repris ci-dessous :

- Service Public fédéral Economie, P.M.E., Classes moyennes & Energie
- Service Public fédéral Emploi
- Service Public fédéral Justice
- Service Public fédéral Finances
- Service Public fédéral Environnement
- Service Public fédéral Affaires étrangères

Un représentant de chaque gouvernement régional :

- Bruxelles
- Flandre
- Wallonie

Un représentant des fédérations professionnelles suivantes :

- FEB (Fédération des Entreprises de Belgique)
- Agoria (Fédération Multisectorielle de l'Industrie technologique)
- Fedichem (Fédération des industries chimiques belges)

Un représentant des organisations syndicales suivantes :

- FGTB (Fédération Générale des Travailleurs de Belgique)
- CSC (Confédération des Syndicats Chrétiens)
- CGSLB (Centrale des Syndicats Libres de Belgique)

B. Information et promotion

La Belgique a toujours été très active depuis la création de son PCN en 1980, grâce auquel de nombreux sujets intéressants ont été examinés. La promotion réalisée par les diverses composantes reste régulière.

La large composition du PCN présente l'avantage pour tous les membres de se sentir concernés par les Principes Directeurs. Par des contacts variés avec les entreprises et d'autres organismes, via les fédérations patronales et syndicales, notamment, il est fait mention des Principes Directeurs. La promotion en est assurée tant en Belgique que dans les autres pays, membres ou non de l'OCDE.

Différents organismes ont publié des articles sur le sujet dans leurs périodiques et magazines.

En 2004, les activités du PCN ont surtout été influencées par la suite accordée aux dossiers relatifs à la République Démocratique du Congo. L'évolution d'activités concernant ce pays et d'autres activités possibles concernant le rôle des entreprises dans de telles économies a été scrupuleusement étudié, sous l'angle des Principes directeurs de l'OCDE.

La promotion des Principes Directeurs a, aussi, été réalisée au travers de contacts bilatéraux avec les entreprises, par le biais de journaux, de revues et d'articles qui traitaient de cette problématique, etc.

La méthode suivie a consisté également en des participations à des colloques organisés par des tiers mais où les Principes directeurs étaient abordés.

C. Mise en oeuvre dans des circonstances spécifiques

Un dossier introduit, en 2003, par le panel des experts des Nations-Unies sur le Congo contre la firme Specialty Metals Company a été traité en 2004. A cette occasion, un communiqué de presse a été diffusé signalant que nous ne pouvions pas nous prononcer sur la question, trop peu de données étant disponibles et fiables dans le rapport du panel des Nations-Unies. Vous trouverez ce communiqué de presse en annexe au présent document.

En 2004, l'année a été caractérisée par l'introduction, par certaines ONG, de plusieurs cas spécifiques.

En avril 2004, un cas a été soulevé par une ONG contre les activités de Tractebel au Laos. Il s'agit, en l'occurrence, des suites de la construction d'une centrale hydro-électrique. Le dossier de l'ONG repose, principalement, sur le chapitre 2 (principes généraux et la contribution à la promotion d'un développement durable); le chapitre 3 (fourniture d'informations); le chapitre 5c (biodiversité environnementale). L'examen du dossier, commencé fin octobre 2004, est toujours en cours.

En mai 2004, un autre cas a été introduit par une ONG contre trois banques belges au sujet de l'oléoduc de Baku-Tbilisi-Ceyman Oil. Pour ce dossier, le PCN du Royaume-Uni a été contacté car cet organisme est compétent en la matière.

Fin novembre 2004, quatre dossiers ont été, simultanément, introduits par un groupe d'ONG contre les activités de certaines entreprises en République Démocratique du Congo,

particulièrement les dossiers Cogecom, Forrest, Belgolaise et Nami Gems. Les dossiers Forrest et Nami Gems seront examinés au cours de l'année 2005.

En 2004, la décision formelle a aussi été prise de ne pas entamer d'enquête, au sein du PCN, qui serait relative à des entreprises contre lesquelles une procédure judiciaire est en cours en Belgique, et ceci tant que la dite procédure n'est pas terminée. Ceci signifie que cinq des dossiers introduits par le panel des experts des Nations-Unies sur des activités en République Démocratique du Congo se trouvent sur une liste d'attente.

En ce qui concerne les dossiers introduits par un groupe d'ONG et pour deux de ces dossiers (Cogecom et Belgolaise) une procédure judiciaire est, également, en cours.

D. Divers

- Les critères clé, notamment la visibilité, l'accessibilité, la transparence et la justification sont systématiquement pris en considération.
Le PCN essaie d'assurer une présence maximale lors des divers événements et séminaires où cette problématique est abordée. Il joue également un rôle actif dans le débat sur la responsabilité sociale des entreprises en Belgique.
En ce qui concerne la transparence au sein du PCN comme vers l'extérieur, une réunion du PCN a été consacrée à cette problématique. Nous essayons donc de travailler avec une transparence maximale en accordant une grande importance à l'accessibilité.
La justification intervient au niveau du PCN mais également à l'égard des partenaires sociaux et des autorités.
- Aucun cas relatif à des entreprises exerçant leur activité en Belgique n'a été soulevé en 2004.
- Le PCN reste attentif au problème des délocalisations et à leur application possible dans l'optique des dispositions du chapitre traitant des relations professionnelles.

BRAZIL / BRESIL**A. Institutional Arrangements**

As informed in the 2004 NCP Report, the OECD Guidelines for Multinational Enterprises were formally implemented in Brazil in May 2003. The General Co-ordination is under the responsibility of the Ministry of Finance at the International Affairs Secretariat (one single Department) and involves other Ministries such as: Ministry of Foreign Relations, Ministry of Planning, Budget and Management, Ministry of Labour and Employment, Ministry of Justice, Ministry of Environment, Ministry of Science and Technology, Ministry of Development, Industry and Trade and the Brazilian Central Bank.

Name of Responsible Officer: Angela Semíramis de Andrade Freitas

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The OECD Liaison Office of the Brazilian Embassy in Paris has a supporting role in relation to the Guidelines and their implementation. The OECD Liaison Office is responsible, within the Brazilian Embassy in France, for the follow-up and co-ordination of all activities related to the co-operation between the OECD and Brasil.

Name of Responsible Officer: Counsellor João Carlos Parkinson

Address: Ambassade du Brésil en France
Bureau de Liaison avec l'OCDE
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Presently, NCP in Brazil is still working in the implementation of an Advisory Committee with the purpose to cooperate with the NCP in the establishment of strategies, proposal of measures and activities to effectively promote the implementation of the Guidelines in Brazil. The resolution has been exhaustively discussed with the NCP members and has been presented to, and received suggestions from, some entities from the civil society.

This Committee will be formed by the NCP and one representative of each of the following entities of the civil society with national relevance: Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection and any other entity considered by the NCP as playing an important social role in the areas covered by the Guidelines, such as SOBEET (Brazilian Society for Multinational Enterprises Studies). The Committee will meet twice a year or whenever necessary.

The NCP has already finalized the approval of a Resolution that regulates the presentation of complaints to the PCN, which will be presented soon.

In 2004, the newly appointed officer participated in Montevideo, Uruguay of a Workshop organized by FES/TUAC from October 12 to 13. NCP Brazil has been invited to a Seminar organized in Buenos Aires, Argentina with the presence of six countries to be discussing the Brazilian experience but, due to Agenda problems, was not able to attend.

In August, 2004, the Brazilian NCP has been invited by IBASE in Rio de Janeiro to make a presentation and discuss with NGO's and other organizations of civil society the role of the OECD Guidelines for Multinational Enterprises, the role of NCP's, and the work made since the establishment of NCP in Brazil.

B. Information and Promotion

The OECD Guidelines and the Implementation Procedures are available in Brazil and the translations of the text into Portuguese are available in the website site of the Ministry of Finance (www.fazenda.gov.br/multinacionaispcn). The site also contains a link to the OECD homepage and to other important multilateral and bilateral agencies, Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection, etc.

The work in the organization of disclosure of informative publications to be sent to investment promotion agencies, departments of education, business schools are in process. We are also continuing working together with some NGO's and other entities to participate in seminars and conferences to promote and inform about the Guidelines.

So far, the NCP Brazil received no enquiries from other NCP of adhering and non-adhering countries. In Brazil, the employees' organisations and non-governmental organisations are the most active and interested to know about the Guidelines.

C. Implementation in specific instances

Since the implementation of the Guidelines in Brazil the NCP received 4 (four) specific instances. One of them involving PARMALAT – CUT in the South of the country was already solved and presented in the 2004 report and 3 are still under exam by the NCP in Brazil.

1. Company: General Motors do Brasil – Gravataí Plant – Rio Grande do Sul

Complainant: Sindicato dos Metalúrgicos de Porto Alegre (Metal Workers Syndicate) – CUT

Complaint: Article 1st, Chapter IV, from the OECD Guidelines for Multinational Enterprises was not observed when the enterprise recognized as legitimate representative of the workers another Syndicate (SINGRA) than the Sindicato dos Metalúrgicos de Porto Alegre (Metal Workers Syndicate) which operates in Gravataí and other 7 cities near Porto Alegre.

Norm: Article 6th, Chapter IV, from the Guidelines states that the Multinational Enterprises should: “Offer the workers representatives and if it would be the case, to the

competent public authorities, beforehand, all needed information related to foresighted changes to be introduced in the enterprise activities, capable to significantly alter the way of life of the workers, specially, in the case of closing down of unities that could imply in major dismissals of workers; cooperate with workers representatives and authorities to mitigate the adverse effects derived from the related measures; depending on the specific circumstances of each case and when it should be the case give information even before a final decision is made; other means could be used to build a constructive cooperation with the purpose of alleviate as much as possible the adverse effects of those related measures; depending on specific circumstances of each case and when possible, give notice even before taking a final decision; other means would be employed to allow a constructive cooperation with the purpose to substantially reduce the effects of those decisions”.

Date that specific instance was received: September 26th, 2002

Sector of activity: Manufacturing – Cars

Presently, the Justice does not recognize any of the Syndicate representatives as legitimate representative of the Gravataí workers. The SINGRA (Sindicato de Gravataí) created in 1998 had its registration license suspended by the Justice. The Sindicato dos Metalúrgicos de Porto Alegre, which submitted the complaint, is presently forbidden by the Justice to operate in Gravataí. Besides the two there is also an Associação dos Trabalhadores das Indústrias Metalúrgicas de Gravataí, created in 1986. Presently, there are 3 Syndicates in the city of Gravataí and none of them are regularly legitimate to represent the workers. The Justice is presently deciding the dispute between the entities.

Present Situation: So far no decision from the Justice has happened and the analysis of the case is suspended.

Company: Unilever

Complainant: Central Única dos Trabalhadores (Workers Central Union) – CUT

Complaint: Article 6th, Chapter IV, from the OECD Guidelines for Multinational Enterprises was not observed when the enterprise decided to close down the premises at Vinhedo Unilever’s plant. No communication from the factory was given before decision was taken neither to the workers union nor to any government sphere.

Norm: Article 6th, Chapter IV, from the Guidelines states that the Multinational Enterprises should: “Offer the workers representatives and if it would be the case, to the competent public authorities, beforehand, all needed information related to foresighted changes to be introduced in the enterprise activities, capable to significantly alter the way of life of the workers, specially, in the case of closing down of unities that could imply in major dismissals of workers; cooperate with workers representatives and authorities to mitigate the adverse effects derived from the related measures; depending on the specific circumstances of each case and when it should be the case give information even before a final decision is made; other means could be used to build a constructive cooperation with the purpose of alleviate as much as possible the adverse effects of those related measures; depending on specific circumstances of each case and when possible, give notice even before taking a final decision; other means would be employed to allow a constructive cooperation with the purpose to substantially reduce the effects of those decisions”.

Date that specific instance was received: November, 2003.

Sector of activity: Manufacturing – Toothpaste.

The request received on November 2003, was analyzed by the NCP members who decided to accept the complaint and, since then, has been in contact with the company and the workers. At the end of 2004, the company and workers almost reached an agreement but since then problems still exist. In March, 2005, NCP Brazil received information from the Union Confederation of Workers (CUT) that the situation had become serious and there was no possible negotiation in a short time.

NCP Brazil contacted Unilever representative and received information that from the 150 workers involved in the process of transfer of the Vinhedo factory to Ipojuca (Pernambuco State): 14 have accepted the offer of transfer to Ipojuca, 16 have been reallocated in other Unilever plants and 77 have been reallocated in other Vinhedo's companies. This leaves 43 workers pending of solution in the case of the Vinhedo transfer.

NCP Brazil will be following the situation.

2. **Company:** Wal-Mart/Bom Preço

Complainant: Confederação Nacional dos Trabalhadores no Comércio e Serviços (Commerce and Services Workers Central Union) – CONTRACS – CUT

Complaint:

Norm: Article 6th, Chapter IV, from the Guidelines states that the Multinational Enterprises should: “Offer the workers representatives and if it would be the case, to the competent public authorities, beforehand, all needed information related to foresighted changes to be introduced in the enterprise activities, capable to significantly alter the way of life of the workers, specially, in the case of closing down of unities that could imply in major dismissals of workers; cooperate with workers representatives and authorities to mitigate the adverse effects derived from the related measures; depending on the specific circumstances of each case and when it should be the case give information even before a final decision is made; other means could be used to build a constructive cooperation with the purpose to alleviate as much as possible the adverse effects of those related measures; depending on specific circumstances of each case and when possible, give notice even before taking a final decision; other means would be employed to allow a constructive cooperation with the purpose to substantially reduce the effects of those decisions”.

Date that specific instance was received: September 26th, 2002

Sector of activity: Retail distribution

On March 2004, the NCP Brazil has received from Contracs a request for a meeting to discuss the situation Bom Preço and Wal-Mart. Contracs sent a set of documents that are being analyzed by NCP to decide if there is an specific instance to be accepted or rejected.

On May 25th, 2004, a new correspondence has been submitted to NCP appoint a series of irregularities at Bom Preço units in Campina Grande and Natal concerning differences in salaries between man and women (lower salary for women); opening of stores during the weekends without previous consultation with local syndicate; health problems (LER and stress), and others.

Present Situation: In a meeting with the Contracs NCP oriented them to be more objective about the complaint and reformulate the document. So far, nothing has been received to permit the NCP members to analyze if the instances will be accepted.

Besides the instances presently under exam, NCP Brazil has been contacted concerning the construction of two dams: Canabrava and Barra Grande.

Project: Canabrava Dam (Minas Gerais)

NCP Brazil received an e-mail from an Belgian NGO relating some problems with the project affecting 800 families in the area and informing that they were discussing with the Belgian NCP to fill a formal complaint. So far, no communication from anyone, nor a formal complaint has been received.

Project: Barra Grande Dam (Santa Catarina – Rio Grande do Sul)

In May 2005, NCP Brazil had a meeting with a representative of the Terra de Direitos NGO to discuss some problems concerning the project. The dam is ready to enter into operation and the concerns are

The NGO representative has been instructed how to proceed if they wish to present a formal complaint but so far no formal document has been received.

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?

NCP Brazil recognizes that so far the operation of NCP's has been limited and much more work has to be done to increase the visibility of the Guidelines.

We also recognized that most of the work concerning the visibility, divulgation to make the guidelines in Brazil effectively has been carried on by Workers Union Confederations, Companies Union and NGO's.

NCP Brazil recognizes the importance of the Guidelines and the need of establishing a more functional and organizational structure to help to give effectiveness to the guidelines in Brazil.

We also recognized the need of organizing a formal Seminar promoted by the Government and directed to Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection, etc. and it's our intent to realize it until the end of this year. Meanwhile, we are trying to participate in other Seminars eventually tied and interested in these issues.

In Brazil, the employees' organisations and non-governmental organisations are the most active and interested to know about the Guidelines. We continue to develop the work of promoting and informing about the Guidelines with the participation in seminars and conferences promoted by NGO's and other civil entities.

The implementation and divulgation of the two NCP's resolutions that creates the Advisory Committee and instructs Workers Union Confederations, Companies Union, Consumers Protection Institutions how to present the instances to the National Contact Point will help to increase the visibility of the Guidelines in Brazil.

So far, the NCP Brazil received no enquiries from other NCP of adhering and non-adhering countries.

CANADA

Introduction

The OECD Guidelines for Multinational Enterprises is an instrument of the Organization 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 2004 - June 2005).

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 government departments are active in this area, through activities such as information dissemination, facilitation of dialogue among interested parties 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 thirty-nine national governments on what constitutes appropriate corporate behaviour. The business community in Canada is promoting CSR as well, with an increasing number of enterprises adopting codes of ethical 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 societies in which they operate.

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

A. 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.

Canada's NCP is an interdepartmental committee of the federal Government. It comprises representatives from a number of departments, including International Trade, Foreign Affairs, Industry, Human Resources and Skills Development, Environment, Natural Resources, Finance and the Canadian International Development Agency. The diversity of the issues covered by the Guidelines and the broad spectrum of public interest (business, labour, NGOs) in Canada underscores the importance of structuring the NCP in

this way. Other departments and agencies participate in NCP activities as well. Export Development Canada is a frequent participant in NCP meetings and communications. NCP representatives exchange communication frequently and meet as required, depending on the issues at hand. The role of NCP Chair rests with the Investment Trade Policy Division of the Department of International Trade.

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.

B. Information and Promotion

a) Information and Promotional Tools

The Canadian NCP web site is a useful tool for promoting the Guidelines. The site received an average of 10,000 successful hits per month from January - April, 2005. It has also become an efficient way to communicate information on the Guidelines to our overseas missions. All of our embassies and high commissions 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.

The Department of International Trade updated its Corporate Social Responsibility web site in 2005. The updated web site, at <http://www.dfait-maeci.gc.ca/tna-nac/DS/csr-en.asp>, includes a dedicated page on the Guidelines with links to the Canadian National Contact Point web site. An official Government of Canada brochure on the Guidelines continues to be distributed to a number of stakeholder organizations, including business, labour and NGOs. The brochure is available on-line from the NCP web site and the virtual Publications Catalogue of the departments of Foreign Affairs and International Trade.

b) Promotion with Social Partners

The Canadian NCP is pursuing a more strategic approach in the promotion of the Guidelines with the business community. More 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 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.

The NCP has initiated plans to co-sponsor and deliver a workshop with Transparency International Canada this fall on the Guidelines. The workshop will promote the Guidelines with the Canadian mining community, particularly junior mining companies.

Canada's Trade Commissioner Service includes CSR as an important aspect of its promotional activities. Guidelines brochures are made available to companies that participate in trade and investment promotion missions abroad. Training material has been developed to illustrate to trade and investment promotion staff how the promotion of CSR (including the Guidelines) can be integrated into the delivery of the core services provided to Canadian companies operating abroad.

Canadian missions abroad attract many Canadian firms interested in expanding their international business operations. As a result, missions are an excellent vehicle for the promotion of the Guidelines in cooperation with the business community. As mining is the single largest sector of Canadian foreign investment in the Americas, our embassies in this region are particularly focussed on incorporating CSR-relevant information, including references to the Guidelines, in the briefings they give to their Canadian clients. They also communicate the Government of Canada's commitment to CSR through workshops in host countries. For example, in February 2005 the Canadian Embassy in Columbia organized a CSR forum in Bogotá in conjunction with the Canada-Colombia Chamber of Commerce. The event drew over 100 attendees representing a good cross section of the local business community, local and national governments, academics, media and NGO's.

Industry Canada continues to promote the OECD Guidelines as part of its suite of CSR activities to strengthen the capacity of Canadian businesses to develop and use CSR practices, tools, and knowledge to achieve positive social, environmental and economic performance results. For example, in its most recent Sustainable Development Strategy, the Guidelines were used to help shape departmental commitments for the next three years. Commitments include: broadening and deepening CSR promotion to make the CSR approach more mainstreamed; developing the knowledge base with respect to CSR tools, voluntary standards, best practices and data bases, and; augmenting CSR reporting by industry. A variety of actions will be pursued to meet these commitments.

Environment Canada is actively collaborating with the private sector, academics, NGOs and other government departments to explore CSR principles and policies that encourage and support corporate sustainability leadership and are broadly aligned with the principles of the Guidelines. These activities are outlined in Environment Canada's Sustainable Development Strategy and include: ascertaining where the business case for environmental and social performance is strong and seizing opportunities to advance CSR when they arise; encouraging, advancing and recognizing CSR best practices; developing and disseminating CSR tools, reporting approaches and domestic and international voluntary standards, and; supporting the development of human capital and human resource skills to strengthen CSR expertise.

Export Development Canada (EDC) meets frequently with its customers, various business associations, NGOs and other stakeholders on CSR issues as part of its efforts to promote ethical corporate conduct and continue a dialogue with these groups. Issues relating to the Guidelines, such as the environmental and social impacts of projects, anti-corruption and anti-bribery efforts, and human rights are discussed. During the course of these discussions, and by its undertakings to promote the Guidelines through its web site, the distribution of the NCP's Guidelines brochure, speeches, and other communications vehicles, EDC supports the NCP's efforts to promote the recommendations of the Guidelines within the Canadian exporting and investing community. EDC co-organized a short course entitled, "Managing Social and Environmental Risk in the Mineral Exploration Sector", which was delivered as a pre-event prior to the annual convention of the Prospector's and Developer's Association of Canada (PDAC) held in Toronto in March 2005. The session had over 50 participants representing mining companies of various sizes, non-governmental organisation and consultants all of whom received a copy of the Guidelines brochure.

In February 2005, at the Department of Foreign Affairs' annual human rights consultations with Canadian NGOs, members of the NCP met with about thirty representatives of the Canadian human rights NGO community to talk about the Guidelines. Members of the Canadian labour community were present as well. The discussion provided an opportunity for the NCP to raise

awareness of the Guidelines among the groups present. Increasingly, questions are being raised by the NGO community about the application of the Guidelines to human rights violations abroad.

In March 2005, the Labour Program of Human Resources and Skills Development Canada hosted a two-day Tri-National Conference on the Labour Dimensions of Corporate Social Responsibility. The Conference, which took place in Ottawa, was held under the auspices of the North American Agreement on Labour Cooperation Cooperative Activities Program and included representatives from government, labour and business from Canada, Mexico and the United States. A senior economist with the OECD Investment Committee addressed conference participants on the OECD Guidelines for MNEs during a session entitled Multilateral Approaches to Corporate Social Responsibility. In addition to featuring the Guidelines, the session also included presentations on the ILO Tripartite Declaration concerning Multinational Enterprises and the Global Compact.

Guidelines brochures were circulated at a number of events during the year. For example, the brochures were included in participant kits for a human rights and business training course funded by the Department of Foreign Affairs and a Canadian oil company, held in Calgary in May 2005.

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.

The departments of Foreign Affairs and International Trade provide information sessions on the Guidelines for overseas trade officials. The provision of Guidelines information is also a part of human rights training for government officials preparing for overseas postings.

Industry Canada continues to promote the Guidelines as part of its work activity to improve the coordination and advancement of corporate responsibility and sustainability within federal activities (e.g., federal sustainable development strategies). This also involves working in international fora, such as the OECD, and domestic conferences to improve the Department's knowledge and understanding of CSR and related practices. Industry Canada works closely with a number of other federal departments to build more cooperation and collaboration on the promotion of CSR practices. This interdepartmental group collaborates closely with the NCP.

Environment Canada works closely with other federal departments on the development and implementation of projects to support and advance CSR principals and practices relevant to the Guidelines. This includes the administration of a memorandum of understanding between the departments of Natural Resources, Industry, Foreign Affairs, International Trade and Environment for collaboration on projects that specifically relate to: development and dissemination of information that supports CSR and sustainability decision-making; increasing understanding of the business value of CSR and sustainability, and; dissemination of information on the use of CSR and sustainability tools to a broad range of companies.

The Canadian International Development Agency is promoting the Guidelines through internal knowledge networks of officials working on private sector development and governance. The Guidelines are also being mainstreamed in work on conflict prevention and poverty reduction in fragile states. CIDA raises awareness of the Guidelines among its partners and stakeholders in the private and other sectors through participation in outreach events across Canada, e.g. International Development Days. CIDA has supported initiatives to encourage sustainable business practices among local and foreign enterprises in developing countries with a view to supporting a positive contribution by the private sector to poverty reduction.

Inquiries

A number of inquiries relating to 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. Often such inquiries are about the nature of the Guidelines and their possible application in certain situations. The media made a number of inquiries in the past year as well, mostly related to the UN Panel of Experts reports on the DRC. As well, the Guidelines are occasionally raised in the public's correspondence with Ministers.

The NCP was requested to appear before the Parliamentary Sub-Committee on Human Rights and International Development on May 11, 2005. The Sub-Committee was interested to know more about the Guidelines and the role of the NCP, in the context of hearings they are conducting regarding the operations of a Canadian mining company in the Philippines. Tensions have arisen between the company and local community groups. The NCP informed the Sub-Committee that on November 4, 2004 the Canadian NCP met with a Canadian NGO and a visiting Philippine delegation from the area affected by the mining operation. The NCP briefed the NGO and visiting delegation on the Guidelines and the process for raising a complaint; the NCP has not heard further from either group on the issue.

NCP representatives attended a meeting between Canadian government officials and a coalition of NGOs on the subject of Canadian mining operations in Guatemala. Inquiries were made about the Guidelines in relation to an ongoing dispute between a mining operation and local communities. No request for a specific instance procedure was requested.

C. Implementation in Specific Instances

a) UN Panel of Experts Report on the DRC

Canada is one of ten OECD member countries home to companies listed in the Second UN Panel of Experts Report on Illegal exploitation of natural resources and other riches in the Democratic Republic of Congo (DRC), released in October 2002. The listed companies, including eight mining companies from Canada, were alleged to be in violation of the OECD Guidelines for MNEs in respect of their activities in the DRC. A coalition of NGOs registered their concern with the NCP and requested the initiation of a specific instance procedure under the Guidelines. While a procedure of the type contemplated under the OECD Guidelines did not proceed, the NCP maintained a dialogue with the NGOs and companies and held several meetings with both to discuss the Guidelines and the UN Panel of Experts process. (See our 2004 Annual Report for more details.)The Panel was instructed by the UN Security Council to carry out further consultations with the listed companies and to prepare a final report; the report was released in October 2003. Seven of the eight Canadian companies were listed as issues "Resolved - no

further action required.”. One company was listed as “Pending Cases with Governments”. The NCP accepted the Panel’s conclusions and followed up with the “eighth” company. There was further communication between the NGOs and the NCP in late 2004 and early 2005 in which the NCP clarified its position in relation to the final report.

The “eighth” company responded to the NCP’s follow-up activities with a letter in April 2005. The letter indicated the company had not performed any work in the DRC since 1997 and that they had officially halted all activities in the DRC as of June 4, 2004. Further NCP follow-up will be with a view to promoting the Guidelines with the company. As a specific instance procedure the NCP considers this case to be finalized.

As noted above in the section on Promotion with Social Partners, the NCP is planning a workshop for later this year to promote the Guidelines with Canadian mining companies, including junior exploration companies. The NCP will encourage the Canadian companies listed in the UN Panel of Expert’s reports to attend. The workshop will address issues raised by the Panel in their reports.

b) Burma

The NCP received a complaint in November 2002 from a Canadian labour group regarding the operations of a Canadian mining company in Burma. The complaint, which focussed on elements of the Guidelines chapter on Employment and Industrial Relations, was reviewed by the NCP and a decision was taken to pursue it as a specific instance procedure. The Guidelines recommendations with respect to forced labour and the right to organize were alleged to have been violated. The union believed there were demonstrable links between the company’s joint venture mining operation with the Burmese government and the mass conscription of forced labour. The company strongly denied these allegations in letters to the NCP in 2003 and 2004. While the NCP held a number of discussions and meetings with each party, separately, and offered to facilitate a dialogue between the two sides, it was unsuccessful in bringing them together to discuss their differences.

The NCP has informed the parties that it has taken a decision to discontinue its efforts to facilitate a dialogue between the parties. A letter will be sent to the union and company indicating that the NCP is bringing the specific instance procedure to a close.

c) Recent Submissions

- i) A Canadian labour union submitted a complaint to the NCP on November 29, 2004 concerning the operations of a foreign multinational enterprise in one of Canada’s provinces. The union alleged the company had violated Guidelines recommendations of the Employment and Industrial Relations Chapter. As labour issues are the jurisdiction of the provinces, the NCP’s consideration of whether to pursue the matter entailed a thorough examination of the remedies available to the union in the province in question. The NCP has taken its decision and will be communicating such to the labour union imminently.
- ii) An international labour union submitted a complaint to the NCP on January 25, 2005 concerning the operations of a Canadian multinational enterprise in a non-adhering country. The international union was acting on behalf of a local union. The unions alleged that the company, through its handling of a labour dispute with its employees, had violated recommendations of the Guidelines Chapter on Employment and Industrial Relations. The international union met with the NCP to present its concerns. The NCP has also been in

contact with the company to get its side of the story. Information relating to the labour dispute has also been obtained from Canada's mission in the non-adhering country. A final decision has not yet been taken by the NCP on whether to pursue further the unions' request for a specific instance procedure.

- iii) A coalition of Canadian NGOs submitted a complaint to the NCP on May 16, 2005 concerning the operations of a mining company in a non-adhering country. The company is incorporated in a Canadian province. The complaint was submitted on behalf of community groups affected by the mining operation. The NGOs and a representative of the affected communities met with the NCP to present their submission. The NCP is in the process of gathering information to make a determination of whether to pursue the complaint as a specific instance procedure.

Concluding Remarks

The OECD Guidelines for Multinational Enterprises continue to be a central element of the Government's approach to promoting corporate social responsibility, domestically and internationally. The interdepartmental structure of the NCP facilitates the promotion of the Guidelines within the Government and with departmental constituencies, including business, labour and NGOs. The NCP looks forward to new opportunities in the coming year to promote the Guidelines.

The NCP is receiving an increasing number of inquiries concerning the operations of mining companies in non-adhering countries. In the coming year, we anticipate continued interest from NGOs and community groups on the application of the Guidelines to the mining sector.

CHILE / CHILI

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2004 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 no update is necessary, please indicate this.*

Voir changement Annexe 2.

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

Aucun changement par rapport à l'information de l'Annexes 1

- *How does the NCP relate to other government agencies?*

1. Site Web; 2. Communiqués de presse; 3. Lettres sur des points spécifiques.

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

À travers des réunions periodiques du Comité Consultatif du PNC.

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

Avec des réunions periodiques du Comité Consultatif du PNC.

B. Information and Promotion

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

Les Directrices ont été traduites à l'espagnol et sont disponibles dans le Site web .

- *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.)?*

En dehors du Site Web, on a distribué les Directrices parmi les partenaires soulignés ci-dessus.

- *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.)?*

En Décembre 2004 on a organisé un Seminaire sur les Principes Directeurs de l'OCDE avec la participation des dirigeants syndicaux liés à des entreprises du secteur agro-exportateur du Chili.

Le récent Séminaire , qui a eu lieu à Santiago le 8-9 Mai, organisé par la Commission Nationale pour l'Environnement du Chili, l'OCDE et la CEPAL, sur les politiques sur l'Environnement mis en place par le Chili, a été l'occasion d'informer sur les critères et principes sur l'environnement contenus dans le Principes Directeurs de l'OCDE.

On a prévu la réalisation, au courant de cette année 2005 , d'un Séminaire International en coordination avec le BIAC. On espère la participation des représentants des entrepreneurs du Chili, d'Argentine et du Brésil .

- *Annex 3 to this questionnaire presents Table 1 of the 2003 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.*
- *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?*

b. ONGs et une Centrale Syndicale , la CUT. Ils ont annoncé qu'au courant du mois de Mai 2005 vont soumettre un cas devant le PNC.

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 2004-2005 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.*

Août du 2002

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

2 ONGs: l'une hollandaise et l'autre chilienne.

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

Chapitre IV: Emploie et Relations du travail et Chapitre V. : L'Environnement.

- *Does the specific instance involve business activities in a non-adhering country?*

Le Chili est un pays observateur qui a souscrit les Directrices et l'entreprise est une Multinationale dont la maison mère est hollandaise.

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. L'industrie Acucicole est productrice de saumon dont le 90% de la production est exportée.

- *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.*

Août 2004.

Were the results communicated to the public and, if so, how? Le Rapport Final du PNC du Chili l'a publié dans notre Site Web, il est encore disponible dans le Site.

- *Would the NCP care to contribute additional information about this specific instance -- e.g. How was information gathered on the specific instance? Did all parties agree with the resolution?*

Oui. Les parties ont accepté la procédure du PNC et ont approuvé les Recommandations du PNC. Pour savoir plus . se référer à notre site Web. (Voir Annexe 1)

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.*

Ces critères sont appliqués pour mettre en place les activités du PNC. C'est ainsi que nous sommes en contact permanent avec les acteurs sociaux concernés : primo, à travers le Comité Consultatif et secundo, à travers des réponses à plusieurs intéressés sur le thème des Principes Directeurs , ainsi qu'avec la participation à des Conférences et Séminaires auxquels le PNC est invité.

CZECH REPUBLIC / RÉPUBLIQUE TCHEQUE

A. Institutional arrangements

The Czech National Contact Point (NCP) is established at the Ministry of Finance of the Czech Republic. The NCP is chaired by Ms Lenka Loudová, the head of the International Organisations Department. Below are the relevant co-ordinates.

International Organisations Department
 Ministry of Finance
 Letenská 15
 118 10 Prague
 Czech Republic

tel. +420 2 5704 2133

fax: +420 2 5704 2795

e- mail address: Lenka.Loudova@mfcz.cz

No changes in the location or in the NCP status are expected.

The establishment of the NCP at the Ministry of Finance has proved to be appropriate. The NCP also 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 Industry and Trade. 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, especially with the Czech OECD Watch member, the Environmental Law Service.

B. Information and promotion

Information on the website

The Guidelines including the commentaries and information relating the Guidelines are accessible not only on the Ministry of Finance websites but also on the websites of the Ministry of Industry and Trade 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.

Other information and promotion activities

The Czech NCP's representatives actively participated in the European Conference on Corporate Social Responsibility in Maastricht, November 2004, as well in the OECD Watch Multistakeholder Roundtable on the OECD Guidelines in Brussels, April 2005.

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 meeting in December 2004.

C. Implementation in specific instances

Institutional framework

The NCP arranges one regular 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 yet been submitted to the Czech NCP during the June 2004 – June 2005 period; two specific instances mentioned in the last report were under consideration, one of which was put away till results of a parallel legal procedure are available while the second was closed in August 2004.

Specific instances under consideration :

Specific instance No. I

Date of request : January 2004

Who raised : trade union

Which chapters of Guidelines : Chapter IV. Employment and Industrial Relations

Sector of activity : retail distribution

The NCP accepted this request, however it put it away till results of a parallel legal procedure are available for further consideration.

Specific instance No. II

Date of request : February 2004

Who raised : trade union

Which chapter of Guidelines : Chapter IV. : Employment and Industrial Relations

Sector of activity : other services.

The NCP asked for additional documents to be assessed by the NCP in cooperation with the representatives of the business community and the trade union which were provided by the submitter. On the basis of these documents the NCP held negotiations with the representatives of the Czech BIAC (the Confederation of Industry of the Czech Republic) and TUAC (the Bohemian-Moravian Trade Unions Confederation). These activities resulted in the agreement between the NCP and the submitter to close the specific instance in August 2004.

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

A. Institutional arrangements

- The Danish National Contact Point is located at the labour law centre in the Danish Ministry of Employment. The Chairman of the Danish Contact Point is Deputy Permanent Secretary of State **Einar Edelberg**, +45 33929959, eed@bm.dk

No update of annexes 1 and 2 are necessary, except indicating that The Ministry of Foreign Affairs is no longer represented in The Danish Contact Point (annex 1).

- The Danish Contact Point consists of representatives from
 - The Danish Federation of Trade Unions
 - The Salaried Employees and Civil Servants Confederation
 - The Danish Confederation of Professional Associations
 - The Danish Employers Confederation
 - The Environmental Protection Agency
 - The Ministry of Economic and Business Affairs
 - The Ministry of Employment (where the Secretariat and chairmanship is anchored)
- The above mentioned Danish government agencies 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.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- Alongside the Danish Contact Point an open "Guidelines-group" has been established with representatives of interested NGOs and the members of the Danish Contact Point. The Guidelines-group meets on average twice a year. The purpose of the Guidelines-group is to facilitate the exchange of views and ideas on the promotion of the *Guidelines*.
- The Danish Contact Point will be represented at the meeting of the Nordic Contact Points in Stockholm, Sweden on 27 May 2005.

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 and in the "Guidelines-group" mentioned above the Danish Contact Point has made an effort to ensure public awareness of the *Guidelines* through the media.

- The Danish Contact Point and one of the specific instances that The Danish Contact Point has considered was discussed in the television programme “Deadline” (a news programme with a “serious” or “intellectual” profile) on 3 April 2005.
- In Denmark there is no direct linkage between Export Credits/Investment and the *Guidelines*. No update of Table 1 in Annex 3 is necessary.
- No enquiries have been received during the last year.

C. Implementation in specific instances

- In February 2002 a specific instance was brought to the attention of the Danish Contact Point on the situation of Malaysian workers in a Danish owned enterprise, Unomedical. The case was brought forward by a local branch of the Danish Labour Movement’s International Forum, AIF.
- On 11 May 2005 the Danish Contact Point concluded the consideration of the instance with a letter to AIF.

By way of introduction the letter recalled that AIF had invoked that the enterprise did not act in accordance with the *Guidelines* chapter C, part IV, par. 1.a) and that this provision states that enterprises should “respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employers’ associations, with such representatives with a view to reaching agreements on employment conditions”.

After these introductory remarks it was mentioned that the same question had been brought before the Malaysian courts, where it had been under consideration for a very long time, and that this had had an impact on the consideration of the instance by the Danish Contact Point. The Malaysian courts had, however, come up with a final decision.

It was furthermore described that the enterprise had informed the Danish Contact Point, that the enterprise would adhere to the ruling of the Malaysian Supreme Court identifying the trade union as bona fide representatives of the workers and that the enterprise had begun negotiations with the trade union aiming to conclude a collective agreement.

Finally the Danish Contact Point informed AIF that on the meeting on 11 May the Danish Contact Point took note of the declaration from the enterprise and - requesting continuous respect for the *Guidelines* – that the consideration of this specific instance hereby was concluded.

The enterprise was simultaneously sent a copy of the letter.

The case illustrates the difficulties NCP’s face when specific instances are raised in non-adhering countries, especially where there is a pending court-case in this non-adhering country concerning the issue in question. In countries with a legal system which differs substantially from the OECD country in question this raises even more difficulties.

- In April 2003 another specific instance was brought to the attention of the Danish Contact Point on the situation of workers in allegedly Danish owned banana plantations in Ecuador

and Belize. This case was brought forward by a workers organisation (SID), who named a Danish “school-cooperative” as responsible for the situation on the plantation, which was, allegedly, not in accordance with chapter C, part IV of the *Guidelines*.

The “school-cooperative” did not acknowledge any responsibility in the matter and The Danish Contact Point requested further information from SID and specifically any kind of information that could establish a link between the situation on the plantations and the “school-cooperative” or any other legal person in Denmark.

SID provided further information but no proof of a link between a legal person in Denmark and the plantations and on 24 August 2004 The Danish Contact Point concluded that there was no basis for further consideration since no link between a Danish legal person and the plantations had been established. This was communicated to SID and the “school-cooperative” on 25 August 2005 in two letters from the chairman of The Danish Contact Point.

- No specific instances have been brought before the Danish Contact Point in the June 2004-2005 cycle.

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, e.g. in meetings with the guidelines group, to be as informative as possible with regard to specific instances and other activities in relation to The Danish Contact Point.

ESTONIA / ESTONIE

A. Institutional Arrangements

Estonian National Contact Point (ENCP) is administratively situated in the Foreign Trade Policy Division in the Trade Department of Ministry of Economic Affairs and Communications.

National Contact Point of OECD Declaration on International Investment and Multinational Enterprises

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The Advisory Committee to ENCP consists of the representatives from several ministries, business associations and the association of trade unions. The members of Committee are experts from the Ministry of Finance, Ministry of Foreign Affairs, the Association of Trade Unions and business associations.

The ENCP relies also on the experience and expertise of other ministries, for example Ministry of Social Affairs, Ministry of Environment, and governmental bodies. The ENCP has close links with the Enterprise Estonia that represents important partner in promoting the guidelines.

The other NGOs are involved in the functioning of the NCP through informal contacts. They have provided an insight on different aspects of foreign investments and the guidelines thus the ENCP seeks to deepen these contacts in the promotion of the guidelines.

B Information and Promotion

The Guidelines have been translated into the Estonian language. The translation and the original text have been published in the official gazette *Riigiteataja* (RTII 05.03.2003 7, 25). The Estonian text of the Guidelines is available on the Ministry of Foreign Affairs web-page (<http://web-static.vm.ee/static/failid/118/OECDsuunised.pdf>). On request the ENCP sends also the copies of the Guidelines and other relevant material.

The contacts with the Confederation of Estonian Trade Unions, Estonian Employers' Confederation and the Estonian Chamber of Commerce continue ensuring the dissemination of information about Estonian adherence to the Guidelines and the events of the ENCP and the developments in the area of international investment.

No enquiries have been received from other NCPs, the business community, employee organisations or other governments to the ENCP.

C. Implementation in specific instances

The procedures for dealing with specific instances have been put in place and will be developed further based on the experience of the ENCP.

There have been no specific instances brought to the attention of the ENCP.

Visibility: The ENCP has promoted the Guidelines since the adherence to the Declaration. The guidelines have been translated into Estonian and published in printed form and on web pages.

Accessibility: The detailed contacts have been added to the list of the NCPs on OECD web-page and the link has inserted in the Ministry of Economic Affairs and Communications web-page. The institutional location has been advertised through press announcements.

Transparency: All activities of the ENCP have been open and transparent. There have been no specific instances raised to date, and no issues of confidentiality/transparency have arisen.

D. Other

The ENCP will continue its promotional activities and take every opportunity to draw attention to the Guidelines. As adherent to the Declaration, the working party meetings constitute an important source for additional knowledge on the NCP functioning and its improvement of the Estonian NCP.

FINLAND / FINLANDE

A. Institutional Arrangements

Composition:

The Finnish Committee on International Investment and Multinational Enterprises (MONIKA) acts as the Finnish National Contact Point. The organization of MONIKA is quadripartite, since it involves the Government, business, trade organizations and non-governmental organizations operating in connection with the Ministry of Trade and Industry. The Finnish NCP MONIKA has been developed, by revising the Government decree issued on the Committee, into a cooperative body of the government, business life and other actors, which will promote corporate responsibility in Finland within the framework of a programme called Corporate Responsibility Finland.

Participants to MONIKA:

Within the Government:

Ministry of Trade and Industry
 Ministry for Foreign affairs
 Ministry of Justice
 Ministry of Finance
 Ministry of Social Affairs and Health
 Ministry of Social labour
 Ministry of Environment

Within Social and Business Partners

The Confederation of Finnish Industries EK
 The Central Chamber of Commerce of Finland/ International Chamber of Commerce ICC Finland
 The Central Organization of Finnish Trade Unions SAK

The NGOs are represented by

The Service Center for Development Cooperation KEPA
 The Finnish Consumers' Association

The relation to other Government agencies, social partners and NGOs:

The MONIKA Committee includes members from various responsible ministries, business and trade unions and NGOs. It operates under the auspices of the Ministry of Trade and Industry as a wide scoped forum of public and private representatives for issues related to investment and Corporate Responsibility, taking care of the promotion of the Guidelines, as important principles of Corporate Responsibility, and serving as an advisory forum in other issues related to the CIME, and assisting when necessary in the interpretation of the Guidelines. The final responsible for the handling of inquiries and the implementation in Specific Instance lies on the Ministry of Trade and Industry. The Committee has its own rules of procedure, and get together several times over the review period, where it discussed all Guidelines-related business.

B. Information and promotion

• *The availability of the OECD Guidelines in Finland*

- The Guidelines have been translated into Finnish and Swedish (the official languages in Finland). A website of the Finnish NCP including links to the OECD website and other organizations and with information on the Guidelines and Corporate Responsibility has been developed, <http://www.ktm.fi/monika>.
- The Guidelines have been widely promoted and distributed to public and companies by official speeches, various seminars, publications and by other means as unique globally accepted CSR principles. The MONIKA members have promoted the Guidelines within their activities. The Guidelines have also been transmitted to the government and to the Parliament so that they can take these into account in the regulatory framework building.

• *Co-operation on promotion of the Guidelines (Consultations, distribution of the Guidelines, etc.)?*

- Ministries, business, trade unions and NGO's represented in the quadripartite Finnish NCP have actively attended the meetings of the NCP. The Finnish NCP held five formal meetings between June 2004 and May 2004. The principles of the Guidelines and the OECD Investment Committee meeting topics have been discussed in details. Meetings in the NCP provide valuable input to the position of Finland to the Investment Committee. The co-operation is fruitful for the promotion of the OECD Guidelines.
- Corporate Responsibility Finland Programme
 1. The Finnish NCP MONIKA has been developed, by revising the Government decree issued on the Committee, into a cooperative body of the government, business life and other actors, which will promote corporate responsibility in Finland within the framework of a programme called Corporate Responsibility Finland.
 2. According to the Corporate Responsibility Finland Programme the State plays an important role in promotion of corporate responsibility both in Finland and in international inter-governmental cooperation. It is the State's task to enforce the international commitments Finland has made. Participation in international activities in the sector of corporate responsibility and in the promotion of this sector within the OECD, European Union and the Nordic Council are the main elements in the programme, paying attention particularly to international development in the OECD Guidelines and in the UN Global Compact Initiative and to EU projects like the follow-up of the EU Multistakeholder Forum.
 3. Meetings were organized specifically to discuss the following topics laid down in the Corporate Responsibility Finland Programme:
 - General ethical investment and investment and management in accordance to corporate social responsibility principles by the Finnish pension funds
 - ISO initiative 'Guidance on Social Responsibility'
 - WWF Finland Green Office Programme
 - CSR principles stocktaking in Finnish public procurements.

At the April 2005 session in Vienna hosted by Austria, Finnish and Austrian delegates discussed current questions on investment and corporate social responsible behaviour, with a special focus on the Austrian and Finnish EU presidency in 2006. International investments and corporate social responsible behaviour were also discussed at the meeting of the Finnish and the Slovak NCPs in Bratislava in April 2005.

- ***Other information and promotion activities***

- Business orientated seminars and conferences have been organized by the Government, and in partnership with private sector, on CSR and the OECD Guidelines. Example of recently organized events:
 - CSR contributing Employee Health Care and Occupational Safety organized by the Ministry of Social Affairs and Health on December 13, 2004.
 - OtaEco, the largest congress in Finland focusing on sustainable development, produced by Helsinki University of Technology Lifelong Learning Institute Dipoli and Finnish Business & Society network. The congress was held on October 19 - 20, 2004 at the architecturally famous Dipoli building in Otaniemi, Espoo, Finland.
- The representative of the Finnish NCP held a speech on the topic of ‘Clear demand for CSR; the changing and turbulent business environment’ at the meeting organized by the Latvian Ministries for internal affairs and for Energy, that took place in Riga, Tallinn on the 1st of December 2004.

- ***Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes***

No update is necessary in the case of Finland.

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

- No specific enquires have been received from other NCP’s.
- Many NGO’s, academic institutions, media and others have contacted the NCP to learn more about CSR and OECD Guidelines

C. Implementation in specific instances

The Finnish NCP and the French NCP have been exchanging views on the Aspocomp SAS - Evreux, case, in which information was exchanged on the dismissals made in 2002 by the Finnish company because of its critical structural losses. The French NCP and the French entitled legal officers are considering the case.

The Finnish NCP and the US NCP have been exchanging views on the OM Group Inc. and its Finnish subsidiary OMG Kokkola Chemicals Oy with reference to the deletion of OM Group Inc. and subsidiary from the Final Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo.

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. For examples, please refer to A, B, C.*

Visibility: The MONIKA Committee has highlighted the role of the Guidelines in national competitiveness strategies and the in general welfare of the society, enhancing Finnish companies interest in regard of the competitiveness factor and the public image they provide. Interest among the partners is also intensifying.

Accessibility: The promotion of the Guidelines includes joint Government-business initiatives and the support to NGO initiatives. Moreover the Government sets emphasis on the availability and the accessibility of publications through paper or web format.

Transparency: The quadripartite organization of MONIKA provides for an open discussion arena where information is shared and conveyed downstream.

Accountability: Collaboration between the MONIKA partners assures that all the different actors are considered in the working process.

- *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?*

No.

FRANCE

A. Organisation institutionnelle

- L'organisation du PCN français reste inchangée : il fonctionne selon une structure tripartite rassemblant les principales organisations syndicales (CFDT, CGT, CGT-FO, CFE-CGC, UNSA), les représentants des entreprises (MEDEF) et l'administration (ministères de l'économie des finances et de l'industrie, des affaires étrangères, de l'environnement, du travail et de la cohésion sociale – et tout autre ministère en tant que de besoin en fonction des saisines).

La direction générale du Trésor et de la politique économique (DGTPE) au ministère de l'économie, des finances et de l'industrie assure la présidence et le secrétariat du PCN. M.Ramon Fernandez a succédé à Mme Claire Waysand en tant que président du PCN français à l'hiver 2004.

Le PCN dispose d'une page « web » sur le site du ministère des finances, consultable à l'adresse suivante : <http://www.minefi.gouv.fr/TRESOR/pcn/pcn.htm>.

- Le PCN se met en rapport avec d'autres agences gouvernementales 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. Ainsi dans le traitement de la circonstance spécifique concernant le projet de barrage Nam Theun 2 au Laos (*cf.* ci-dessous), la COFACE et l'Agence française de développement (AFD) ont été consultées par le PCN afin de recueillir leur expertise sur l'ensemble du projet et les mesures compensatoires envisagées par le consortium NTPC auquel l'entreprise mise en cause devant le PCN est partie.

B. Information et promotion.

Durant l'année 2005, le secrétariat du PCN est intervenu dans des séminaires de formation tel celui de l'Institut National du travail, de l'emploi et de la Formation professionnelle qui portait sur les nouvelles régulations sociales ou celui de l'Institut européen du travail qui visait la RSE. Il a également participé aux dialogues France-BIT sur la dimension sociale de la mondialisation. Des exposés relatifs aux principes directeurs et des discussions ont été les principaux vecteurs d'information et de promotion sur cet instrument.

De surcroît, le PCN français a, durant cette période, prêté son assistance à des PCN étrangers afin de les aider dans le cadre d'une circonstance spécifique dont ces derniers étaient saisis. Il a par ailleurs reçu des organisations syndicales étrangères.

C. Mise en œuvre des circonstances spécifiques.

Durant l'année 2004, le PCN français a :

- conclu son travail sur une circonstance spécifique :

- **EDF – Nam Theun 2**

Le 26 novembre 2004, le PCN a été saisi par un groupement d'ONG dont Les Amis de la Terre-France d'une circonstance spécifique visant Electricité de France (EDF) pour

violation présumée des principes directeurs par cette entreprise à raison de ses activités au Laos dans le cadre du projet de construction et d'exploitation d'un barrage hydroélectrique, dit "Nam Theun 2". La saisine du PCN s'appuyait sur plusieurs chapitres des Principes directeurs de l'OCDE à l'intention des entreprises multinationales : chapitre II (principes généraux) concernant le développement durable et le respect des droits de l'homme ; chapitre V (environnement) concernant la collecte et la transmission d'informations sur les effets potentiels des activités menées, la consultation des populations, l'évaluation des impacts sur l'environnement, la santé, la sécurité des personnes concernées ; chapitre IX (concurrence) concernant le respect des règles de concurrence internationale (cette partie de la saisine a été rejetée par le PCN). Par ailleurs, le PCN a jugé pertinent d'élargir cette saisine au chapitre IV concernant l'emploi et les relations professionnelles.

Sur la base de l'ensemble des documents recueillis auprès du groupement d'ONG, du consortium NTPC dont EDF est l'actionnaire principal, de la Banque mondiale, de la Banque asiatique de développement, du réseau international du Ministère de l'économie et des consultations d'experts de la Coface et de l'Agence française de développement (AFD), le PCN a abouti à la conclusion qu'en l'état des informations disponibles, il ne pouvait être imputé à EDF aucune violation des principes directeurs de l'OCDE et qu'EDF avait même pris des engagements allant au-delà de ces principes.

Considérant toutefois qu'il appartient aussi au PCN de veiller à la mise en œuvre effective des engagements de l'entreprise à respecter les standards internationaux en matière environnementale et sociale, les membres du PCN ont décidé d'adresser des recommandations en ce sens et ont convenu d'une clause de rendez-vous avec l'entreprise EDF afin de suivre l'avancée du projet à intervalles réguliers.

- continué son travail sur trois circonstances spécifiques :

- **Première circonstance spécifique**

Le PCN a été saisi début 2003 d'une circonstance spécifique ayant trait à la violation des principes directeurs de l'OCDE au titre du non-respect du chapitre V (environnement) et de son chapeau. Le PCN continue pour l'heure ses consultations internes.

- **Deuxième circonstance spécifique**

Le PCN a été saisi le 2 octobre 2003 par deux ONG pour allégation de violation des principes directeurs de l'OCDE par un consortium auquel 3 entreprises françaises participent, dans le cadre du projet de construction et d'exploitation d'un oléoduc. En réponse à la saisine des ONG, le PCN a reçu l'argumentaire de l'une des 3 entreprises françaises concernées.

Un examen préliminaire de la lettre de saisine des ONG et de ses annexes par le PCN français en décembre 2003 a démontré que la saisine s'appuyait sur un premier corpus de documents encadrant le projet, mais ne prenait pas en considération les documents complémentaires de clarification et d'interprétation adoptés ultérieurement (à l'été 2003) par le Consortium et/ou les trois Etats concernés.

Or, ces documents complémentaires semblent de nature à répondre à plusieurs des griefs soulevés contre le consortium dans la saisine initiale.

Aussi, le PCN français a-t-il décidé d'inviter les ONG à reformuler leur saisine, à la lumière des documents ultérieurement produits sur ce projet en précisant dans ce cadre les

points sur lesquels ces ONG estiment que les sociétés françaises mises en cause ne respectent pas les principes directeurs de l'OCDE à l'intention des entreprises multinationales. Cette reformulation de la saisine n'a pour l'heure pas été faite par les ONG.

– **Troisième circonstance spécifique**

Dans son rapport d'octobre 2003, le panel d'experts des Nations Unies chargé d'enquêter sur le pillage des ressources naturelles en République Démocratique du Congo a mis en cause une entreprise de transports suspectée par le panel d'avoir participé à l'exploitation illicite des richesses de ce pays et, partant, de violer les principes directeurs de l'OCDE.

Aucune information sur les faits reprochés à l'entreprise ne ressort toutefois des deux rapports du panel d'experts. Par ailleurs, ni la société, ni le Groupe auquel elle appartient ne se sont manifestés auprès du panel afin d'apporter des éclaircissements sur les activités de la société en Afrique et éventuellement de contester la présomption de violation des principes directeurs dont cette entreprise faisait l'objet, alors que d'autres entreprises citées dans le rapport de 2002 prenaient pourtant contact avec le panel d'experts aujourd'hui dissout. L'absence de réponse aux sollicitations du panel dans des délais raisonnables a entraîné le classement de l'entreprise dans la catégorie 5 du rapport de 2003 (entreprises n'ayant pas réagi au rapport du panel des experts de l'ONU), après un premier classement en catégorie 3 dans le rapport de 2002 (cas non résolu relevant du PCN pour des investigations complémentaires).

Le CIME a demandé aux PCN dont les entreprises nationales nommément désignées par le dernier rapport du panel voyaient leur comportement mis en cause, d'éclaircir les faits qui pourraient être reprochés à leurs entreprises respectives. C'est ce à quoi la Présidente du PCN a procédé en rencontrant, le 12 février 2004, un responsable de cette entreprise.

Il ressort de cette consultation que le cas de cette entreprise est lié au traitement par le PCN Belge d'un cas d'entreprise d'approvisionnement belge avec laquelle traitait l'entreprise sus-mentionnée. Le PCN français a pris l'attache du PCN belge pour connaître les suites données par celui-ci à la circonstance spécifique concernant cette entreprise. Le PCN Belge vient de transmettre, début mai 2005, des informations au PCN français. Ce dernier vient en conséquence de reprendre le traitement de cette saisine, jusqu'à présent suspendue dans l'attente d'informations substantielles en provenance du PCN belge.

- été saisi d'une nouvelle circonstance spécifique :

Le PCN a été saisi le 9 février 2005 d'une circonstance spécifique ayant trait à la violation supposée des principes directeurs par la direction d'une entreprise dans le cadre de négociations sur les conditions d'emploi au cours desquelles des menaces de transfert de tout ou partie d'une unité d'exploitation auraient été formulées en vue d'exercer une influence déloyale sur ces négociations (chap. IV point 7). Le PCN étudie actuellement le dossier.

GERMANY / ALLEMAGNE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2003 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 no update is necessary, please indicate this.*

No update necessary.

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

A 'Working Party on the OECD Guidelines' composed of representatives from Federal ministries, business organisations, employee organisations/trade unions and selected NGOs meets regularly (about twice a year) under the chairmanship of a senior official of the Federal Ministry of Economics and Labour to discuss all Guidelines-related issues.

- *How does the NCP relate to other government agencies?*

The National Contact Point co-ordinates with other Federal ministries such as the Foreign Affairs, Justice, Finance, Economic Co-operation and Development as well as the Environment Ministry and provides them with the opportunity to participate in the implementation of the Guidelines. Furthermore, these ministries co-operate and participate in conciliation or mediation proceedings as appropriate.

- *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 from business organisations and social partners the opportunity to participate in Guidelines-related activities. The National Contact Point consults and includes 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 co-operates with other non-governmental organisations within the context of the 'Working Party on the OECD Guidelines'. Furthermore, the National Contact Point consults and includes them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the Parties involved.

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 Internet sites of both the Federal Ministry of Economics and Labour 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 Labour and has also been made available in a print version. It also has been distributed by the economic sections of all German embassies abroad as well as other institutions, e.g. Federal ministries of Foreign Affairs and Economic Co-operation and Development.

- *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.)?*

Additionally, the Guidelines are promoted by the central German Government internet portal for foreign business "iXPOS". Numerous requests for information - mainly by students, researchers, citizens - were received and have been answered in detail.

The Confederation of German Trade Unions (DGB) produced a German user's guide for the guidelines. Together with the OECD CENTRE BERLIN the DGB will arrange a small conference at the end of June 2005 on the guidelines five years after their last review. Furthermore the DGB will hold a seminar on the guidelines for European Works Councils in autumn.

In December 2004, the Federation of German Industries (BDI) and the Confederation of German Employers' Associations (BDA) launched the internet platform www.CSRGermany.de. Via that platform, BDI and BDA provide substantial information and useful links about the Guidelines.

The German Society for the Promotion of Foreign Direct Investment issued an brochure on Corporate Social Responsibility and Foreign Direct Investment. In that brochure the GFA commends German companies to orient themselves on the Guidelines when they make investments abroad.

German NGOs organized a workshop to evaluate NGO participation in different CSR Roundtables in Germany. Among others, the Working Party on the OECD Guidelines was discussed, a documentation was published by the organizers Forum Menschenrechte and VENRO, with the title "Unternehmensverantwortung zwischen Dialog und Verbindlichkeit" (Corporate Responsibility between Dialogue and Accountability).

- *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.)?*

At the "OECD Global Forum on International Investment" in New Delhi, India, on 20-21 October 2004, about "Investment for development: Forging Partnerships", the German NCP made a presentation about "Promoting corporate responsibility – defining the roles of government and business - OECD Guidelines' approach to government/corporate responsibility linkages".

The Erfurt School of Public Policy, Erfurt, conveyed a detailed questionnaire within a study project about the OECD-Guidelines that was answered in depth by the German NCP and discussed in detail.

OECD Watch organised a two-day training and strategy seminar in Berlin in October 2004. It was designed to support and build capacity on the use of the OECD Guidelines among NGOs in

the EU Member States, particularly in the new member and prospective member countries. About 40 NGOs from 20 countries participated. In addition to training in the use of the Guidelines, proposals for strengthening the effectiveness of the Guidelines as well as other international instruments for promoting corporate social responsibility and accountability were presented and discussed. A report on the seminar has been published and is available at www.oecdwatch.org.

In the follow up of a conference organised by EED, Germanwatch, OECD Berlin Centre and TUAC on Supply Chain responsibility ("Wie weit reicht die Verantwortung von Unternehmen? Handels- und Zulieferbeziehungen von Multinationalen Unternehmen") in October 2004 a documentation of the conference was published, which can be found at the website www.germanwatch.org. An English translation is also available.

On March 1, 2005, the Friedrich-Ebert-Foundation and Forum Menschenrechte organized a conference to discuss the OECD Guidelines and the UN Norms for Transnational Enterprises. A study on the OECD Guidelines was presented by Dr. Brigitte Hamm (Institut für Entwicklung und Frieden, INEF): "Die OECD-Leitsätze für multinationale Unternehmen - ihr Einsatz durch zivilgesellschaftliche Organisationen in Deutschland" (OECD Guidelines for Multinational Enterprise. Their Use by Civil Society Organisations in Germany), a study commissioned by Friedrich-Ebert-Stiftung, Brot für die Welt and MISEREOR.

- *Annex 3 to this questionnaire presents Table 1 of the 2004 NCP Chair's Summary ("Linkages – 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.*

No update 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?*

On (a): Some NCP's have asked for support.

On (b): Numerous requests for information - mainly by students, researchers, citizens - were received and have been answered in detail.

On (c): None.

C. Implementation in specific instances (raised and/or concluded during the June 2004-2005 cycle)

The German National Contact Point (German NCP) follows the existing 'OECD Procedural Guidance' for the Guidelines in dealing with all Guidelines-related issues as well as with specific instances. Regularly, after a careful initial assessment of whether the issues raised merit further examinations and, if so, having accepted a request as a specific instance, it asks for further written statements by the parties concerned and then starts conciliation proceedings with the parties involved.

- 1) In June 2003, the German NCP received a request - through the Association of the German Trade Union (DGB) - by the Philippines Labour Unions to consider a specific instance against a German MNE (chemistry) in which they complained that its subsidiaries in the Philippines, a non-adhering country, had not complied with the OECD Guidelines Chapter IV (Employment

and Industrial Relations). After having received comprehensive comments by the MNE as well as by the Unions in view of the complexity of the case, the German NCP conducted in October 2004 a first meeting with the parties involved. The main result of the meeting was that the parties themselves acknowledged that they have to obtain more information in order to assess objectively all the facts. After having received this information the German NCP will then invite for a second and final meeting. The German NCP is still waiting for the necessary further information by the party that brought the original complaint.

- 2) In October 2004, the German NCP received a request by Germanwatch and other NGOs to consider a specific instance against a German MNE (chemistry) in which it complained that its supplier in India, a non-adhering country, had not complied with the OECD Guidelines Chapter IV (Employment and Industrial Relations) with regard to child labour. After having received comprehensive comments by both parties, the German NCP invited to a meeting with the parties involved. Unfortunately, the MNE was unable to join the meeting due to a question of principle based on a management-decision with regard to a categorical (non-) cooperation with one of the NGOs involved. Notwithstanding that, the MNE has notified the NCP in detail that it has already taken constructive and concrete steps to solve the problems raised.

Furthermore, the German NCP was also offering its 'good services' (providing assistance or through conciliatory talks) in other specific instances or requests, that were in the competence of other NCP's or in cases where the initial assessment of the German NCP had shown that the Guidelines were not (or not directly) applicable due to lack of an 'investment nexus'.

This includes

- 3) a specific instance that comes under the competence of the Mexican NCP brought by an NGO on behalf of a Mexican labour union against a Mexican subsidiary of a German tyre manufacturer (Continental AG). Here the German NCP offered a forum for talks (May 28, 2003; May 19, 2004 between the Mexican trade unionists, representatives of Continental AG and the Mexican ambassador in Berlin). Maybe also as a consequence of these efforts - not to mention those of Germanwatch the conflict was settled on January 17, 2005: The at that time closed Mexican subsidiary was taken over by a joint venture between the Mexican *Llanti Systems* and a cooperative of former workers and was re-named "Corporación de Occidente" (headed by the union's Jesús Torres Nuño). The workers have received a total of 50% in shares of the tyre factory and *Llanti Systems* bought for estimated USD 40 Mio. the other half of the factory. Continental AG will support it as technical adviser for the production. At first there are 600 jobs; this figure shall be increased after one year to up to 1000 jobs.

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.*

For examples, please refer to A, B, C.

- *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?*

- Representatives of the UN Global Compact Germany, represented by GTZ, asked the German NCP for a closer cooperation and whether it could especially provide NCP's mediation capacity for possible cases of non-compliance with the Global Compact standards. The German NCP welcomed this request and suggested a two-step procedure to which the Global Compact representatives agreed: First, the Global Compact tries to solve possible problems within its reporting system; second, if the results are not satisfactory, then the problem could be presented to the German NCP as a 'specific instance', which would offer its mediation according to the OECD-Guidelines and following the standards of the 'OECD Procedural Guidance'.
- While the German NCP is observing confidentiality in its activities related to ongoing specific instances, also with regard to the mere receipt of a request - as demanded by para. I.C.4.a) of the 'Procedural Guidance' and para. 19 of the 'Commentary' for the handling of specific instances - this principle was still not equally respected by some of the other parties involved. To some degree, this seems to be related to the fact that some of the specific instances raised have been brought in connection with already existing or newly launched public campaigns of NGOs. This automatically tends to entail conflicts with the general confidentiality requirement. In each individual case the confidentiality requirement - being the principal basis for trusting cooperation - needs to be weighed against the transparency requirement for the work of the NCP. Apart from the confidentiality question, the issue of the relationship between 'specific instances' and the use of the Guidelines in the context of certain NGO campaigns may still warrant more general reflection and discussion.
- With respect to the report of the 'UN-Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo', the German NCP has conducted exploratory talks with German companies concerned. Furthermore, it is in close contact with other NCPs - and CIME - as to further procedures. After the final UN Expert Panel report of October 2003, only one case will need further clarification. However, the German NCP has come across considerable difficulties in obtaining sufficient information on activities in the war-stricken north-eastern part of the DR Congo that would enable it to make a determination whether there has been non-compliance with the OECD-Guidelines. In any case, the process of contacting companies and discussing the issue with them has led to a considerable increase of awareness of the Guidelines and the likelihood that the Guidelines will be taken into account properly in future activities in the DR Congo (and elsewhere).
- In this context we observe a new trend: Enterprises are raising issues under the OECD-Guidelines against other enterprises: In November 2004, the German NCP received a request - through the Austrian NCP - by an Austrian company against a German company with regard to its trade activities in the DR Congo. After a careful initial assessment of whether the issues raised merit further examinations, the German NCP could not accept the request as a specific instance due to a missing 'investment nexus' or even from a 'supply chain' point of view. In January 2005, the German NCP received a request - again through the Austrian NCP - by an Austrian company against a German company with regard to its marketing activities in Turkmenistan. Due to the complexity of the case, the German NCP asked both parties for written comments and will then assess whether the issues raised merit further examinations.

Both cases can be problematic from the viewpoint of the German NCP under competition aspects insofar as companies active in the market use the OECD Guidelines procedure for PR reasons – instead of competing with their products or taking recourse to the available court proceedings.

GREECE / GRECE

A. Institutional arrangements

- The Greek National Contact Point is located in the premises of the Ministry of Economy and Finance:

Ermou & Kornarou 1
Athens 10563
Tel: (+ 30) 210 328 6231
fax: (+30) 210 328 6404
e-mail: evgenia.konto@mnec.gr

- The NCP is a governmental service: The *Directorate for International Organisations and Policies*, part of the General Directorate for Policy Planning and Implementation of the Ministry of Economy and Finance.

B. Information and Promotion

- The Guidelines have been translated into Greek and are electronically available, together with an Introductory Note and information on the Greek NCP (in Greek and English), on the website of our Investment Promotion Agency (ELKE), at the address: www.elke.gr/
- No promotional activities were undertaken in the last year; no enquiries have been received regarding the Guidelines.

C. Implementation in specific instances

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

D. Other

- A restructuring of the NCP is planned for 2005. In this context, we intend to associate any activities of the NCP with the Hellenic Network for Corporate Social Responsibility, partner of CSR Europe.

HUNGARY / HONGRIE

A. Institutional Arrangements

Address of the Hungarian National Contact Point:

Ministry of Economy and Transport
1055 Budapest, Honvéd utca 13-15.
Department of Economic Development Programmes
Phone: (36-1)-374-2877 Fax: (36-1)- 332-6154
E- mail: tejnora.tibor@gkm.gov.hu

Composition of the Hungarian National Contact Point (HNCP)

In the first quarter of 2005 composition of the Hungarian National Contact Point changed. Ministry of Foreign Affairs was restructured and its tasks were modified. Current organisational structure is bilateral, the HNCP is an interdepartmental government body with permanent members. Deputy State Secretariat of the Ministry of Foreign affairs which was responsible for affairs of international organisations (among others for the OECD) and foreign economy was directed to the Ministry of Economy and Transport. Within the MoET new Deputy State Secretariat was formed which absorbed this unit and its tasks. Number of permanent members of HNCP was decreased to two.

Recent permanent members of HNCP

Ministry of Economy and Transport (MoET)
Ministry of Finance (MoF)

From the beginning of foundation of HNCP MoET and its legal predecessors worked as a Secretariat for the HNCP and a permanent member of HNCP at the same time. HNCP made decision on the basis of consensus. The HNCP built contacts with numerous organisations of the civil society but there was no way to meet the representatives of these organisations regularly and in a planned way. Keeping meetings and contacting persons in charge depended upon emerging issues. Representatives of trade union and employers' associations were informed regularly on developments and information coming from IC mainly by e-mail. Beside HNCP numerous problem solving organisations are acting on country and regional level therefore cases occurred were arranged on the spot without the need of central governmental involvement. Mainly labour affairs emerged since some companies downsized their activities or they had production and sales difficulties which created labour issues. Some labour intensive companies having mass production moved out and they finished their production in Hungary therefore jobs were not kept. Partly the FDI inflow and the governmental investment promotion measures compensated the unfavourable situation.

B. Information and Promotion

The main information source on the Guidelines is the home page of MoET and the HNCP itself in the MoET. The address of Internet site has changed and the address can be searched in a more easily way. The new location is within the MoET (MoET=gkm) and under the chapter of International Relations (=nemzetkozikapcsolatok), i.e. the address got a better and more advantageous position: www.gkm.gov.hu/balmenu/gkm/nemzetkozikapcsolatok/oecd_nkp.html

The text of the Guidelines together with all relevant information (e.g. Commentaries, Declaration, etc) was translated to Hungarian language. The most important and essential documents are on the Internet Homepage. They are as follows:

- Brief press release of Hungarian language on the Guidelines (the address of OECD site was built in the text (in this way anyone can link to the proper OECD site [<http://www.oecd.org/dataoecd/56/36/1922428.pdf>] and study the English version of the Guidelines and all the information related to the topic at the same time)
- Procedural guide of Hungarian language on the Hungarian NCP (explains what and how to do in the case of enquiry)
- The Guidelines in Hungarian language (full text of the original English version)

In its activity HNCP put the weight on the struggle against bribery and corruption in 2004 and in the first half of 2005. This was partly a direct consequence of the “glass pocket” program launched by the government much earlier. Despite all the efforts done in this field it was experienced that people (who worked for government organisations) had no solid and reliable knowledge on how and what to do under specific conditions of a potential bribery and corruption case (active and passive bribery of domestic and foreign public officials) given. Therefore HNCP initiated to launch a training course for the staff of Investment and Trade Promotion Agency – Hungary (ITDAH) and put the essential information and documents (*Criminal Law Convention on Corruption, Explanation and recommendation on OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*) on the Internet sites of ITDAH and MoET at the same time.

For the time being they are available as follows:

- at ITDAH site
<http://193.202.83.133:8080/itdh/static/uploaded/document/Convention%20on%20Corruption.pdf>
- at MoET site
http://intranet.gkm.gov.hu/balmenu/befektetesek/gazdasagfejlesztes/korruptcio_ellen.html

Note: HNCP recommended starting a training course on combating bribery for ministerial staff already in 2003. Due to partly this the Department of Human Resources of MoET organised the proposed course in the summer of 2003. A great number of persons whose scope of duties related to international affairs and investments participated in this course.

C. Implementation

After the structural changes of the MoET and the MoFA the HNCP Secretariat can work under new conditions. The main supervisor and the person in charge of HNCP is the Deputy State Secretary who is responsible for International Investments and Foreign Economy and the activity and work of the Investment Promotion Agency (Investment and Trade Development Agency – Hungary). The Hungarian delegate to the IC is a member of the HNCP Secretariat Staff and an advisor for OECD IC affairs within the Deputy State Secretariat. Under the umbrella of Deputy State Secretariat information flow is provided among all of the parties who have interests in the field of foreign direct investments and the Guideline. Among the tasks of the Deputy State Secretariat keeping close touch with the bilateral Chambers of Commerce and Industries (Am-Cham, German-Hungarian Chamber of Commerce and Industry etc), investors’ associations, organisations (Joint Venture Association, Investors’ Council, Council for Competitiveness) and the bodies established for reconciliation of interests is one of the most important issues.

ICELAND / ISLANDE

A. Institutional Arrangements

No decision has been taken on the interdepartmental composition of the Icelandic NCP. Hence, the NCP remains for the time being a single department exercise.

B. Information and Promotion

The Guidelines are in the process of being translated into Icelandic. Upon completion of the translation, the Ministry will decide how best to make the Guidelines available to domestic stakeholders. Informal inquiries from representatives of certain labour associations for information on the Guidelines have been responded to.

C. Implementation in Specific Instances

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

IRELAND / IRLANDE**Introduction**

This is the Fifth 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 NCP's, and submission to the OECD Investment Committee. The report covers the period since the last annual report, - May 2004 to May 2005.

Providing a mechanism whereby National Contact Points can formally record the outcome of any cases they handle enhances the profile of both the National Contact Points (NCP) and the Guidelines themselves. Annual reports are necessary to ensure the recognition and long term successful implementation of the Guidelines, thereby positioning the Guidelines as the benchmark code of corporate social responsibility.

A. Institutional Arrangements

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

National Contact Point for the OECD Guidelines for Multinational Enterprises
Bilateral Trade Promotion Unit
Department of Enterprise, Trade and Employment
Kildare Street
Dublin 2
IRELAND.
Telephone + 353 1 631 2605
Fax + 353 1 631 2560
e-mail Pat_Hayden@entemp.ie or Miriam_Tracey@entemp.ie

The NCP continues to operate as a single point of contact within the Department of Enterprise, Trade and Employment. The senior official heading the NCP is Mr. Patrick Hayden, Principal Officer in charge of the Bilateral Trade Promotion Unit at the Department.

The main Irish development agencies with responsibility for enterprise development and investment promotion report to the Department of Enterprise, Trade and Employment. These agencies are kept informed of significant developments in relation to the Guidelines, as are other Government Departments.

As outlined above, the NCP functions as a single expert point of contact. Business, trade unions and non-governmental organisations do not directly participate in its operation. However, communication is maintained with these groups as appropriate, and 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 enterprise. 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:

Links with the Irish Business and Employers Confederation (IBEC)

The NCP has advised IBEC on the development of a voluntary *Code of Corporate Governance* for the Confederation's members which can be located at <http://www.ibec.ie>.

Links with the Irish Congress of Trade Unions (ICTU)

The NCP provides support to the Irish Congress of Trade Unions' participation in the Trade Union Advisory Committee to the OECD (TUAC).

Department of Enterprise, Trade & Employment Sustainable Development Strategy

The Department has published its *Sustainable Development Strategy 2003-2005*, which includes targets relating to the impact of business in areas such as climate change, corporate sustainability and corporate social responsibility. The Strategy contains a chapter on Corporate Social Responsibility, that recounts the importance of:

- Actively encouraging knowledge and observance of the OECD Guidelines for Multinational Enterprises in Ireland.
- Access to the document can be reached at www.entemp.ie/trade/environment/sustainabledevelopmentstrategy.htm. Progress in relation to all objectives of the Sustainable Development Strategy is recounted in the Annual Report of the Department. At this time the Department's Annual Report for 2004 is not yet available. The relevant link is www.entemp.ie/publications/corporate/2003/annualreport.pdf.

Other Information and Promotion

The Department of Enterprise, Trade and Employment continues to participate in for a 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 facilitate exchange of best practices on Corporate Social Responsibility. This work is closely linked to the promotion of the OECD Guidelines.

Our website (<http://www.entemp.ie/trade/bilateral>) provides a link to the OECD site and details the Guidelines and the coordinates of the National Contact Point. This facilitates those requiring access to the text of the Guidelines and to associated commentaries on them.

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: "*A Guide to the Functions, Records, Rules and Practices of the Department*" – 3rd Edition April 2004, is accessible at www.entemp.ie/publications/corporate/2004/section1516.pdf.

Nothing has arisen in the period covered by this report.

C. Implementation in Specific Instances

A request for information was recently received from the Dutch National Contact Point, on the initiative of a trade union of the Netherlands. It relates to trade union recognition and related issues in an Irish owned company. Comprehensive responses to issues raised have been provided and further information exchange may still be in prospect.

Conclusion

The Department of Enterprise, Trade & Employment is satisfied that necessary public awareness concerning the existence of the Guidelines for Multinational Enterprise and their contents, exists. There has, however, been little recourse to the National Contact Point to date but it is available to assist and to intervene when required.

ISRAEL / ISRAËL

A. Institutional Arrangements

- Annex Table 1, "Structure of the National Contact Points": In the fourth column ("Comments and Notes") please correct the sentence to read "An Advisory Committee has been composed of representatives from those ministries mentioned in the previous column, and business and employee organizations".
- Annex Table 2, "Contact Details for National Contact Points": The street address should read "5 Bank Israel Street". Please update the fax number to "(972-2) 666 2941".
- The NCP relates to government agencies, social partners and other interested parties mainly through the Advisory Committee. For example, an environmental NGO participated in the last meeting of the Advisory Committee. In addition, the NCP initiates contacts with relevant parties on an ad-hoc basis. An example of such an initiative was a meeting held with the Israeli Foreign Trade Risk Insurance Corporation.

B. Information and Promotion

- The *Guidelines* have been translated to both Hebrew and Arabic and are available both in electronic format on the website of the Ministry of Industry, Trade and Labor, and in hard copy by means of a printed booklet.
- Information on, and promotion of, the *Guidelines* has been carried out through the Advisory Committee, composing of representatives of government ministries, the business community, and trade unions. A printed booklet with the *Guidelines* has been distributed via the Advisory Committee.
- Other information and promotion activities are planned for 2005. Recent reorganizations in Israel's Manufacturer's Association and Israel's investment promotion agency will be utilized to hold seminars and/or conferences on the *Guidelines*.
- Annex 3 ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"): No update is necessary.
- For the period of this report, June 2004-2005, enquiries have not 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

- Specific instances were not were raised and/or concluded during the June 2004-2005 cycle.

ITALY / ITALIE

A. Institutional Arrangements

1. **Structure of the Italian National Contact Point** (see Annex 1 here enclosed).
Contact details for National Contact Point (see Annex 2 here enclosed).

2. Institutional arrangements

The Italian National Contact Point was created in 2002 by the national Law n. 273.

The Law defined the NCP's aims, structure, financial resources and attributed to the Ministry for Productive Activities (General Directorate for Productive Development and Competitiveness - Direzione Generale per lo Sviluppo Produttivo e la Competitività - DGSPC) the responsibility of its management.

The decree of the 30th July 2004, signed by the Minister for Productive Activities, detailed the content of the above-mentioned Law, providing for NCP's specific functions, operational bodies and tasks.

In particular, the Italian NCP is composed by:

1. the General Director of the DGSPC, representing the NCP, who is in charge of:
 - adopting the NCP's final decisions and acts;
 - approving the annual report to the OECD Investment Committee;
 - summoning the NCP Committee and informing it about NCP's activity and results;
2. the NCP Committee, which is chaired by the General Director of the DGSPC and is composed by the following Ministries: Foreign Affairs, Environment, Economy and Finance, Justice, Welfare, Agriculture, Health and by the most important trade unions and business associations. The composition of the Committee is flexible and all the stakeholders having a legitimate right to attend the Committee's works can be authorized, by the General Director, to take part in it. Generally, the Committee is summoned by the General Director twice per year: on May, before the NCPs annual meeting, and on December. If needed, it can be summoned in extraordinary sessions. The Committee is responsible of:
 - expressing opinions about the instances treated by the NCP and about its annual activity plan;
 - promoting specific researches, inquires and studies on topics regarding the Guidelines and the Italian enterprises' activities;
 - giving advice on the NCP's activity programme.
3. the Secretariat, which is in charge of assuring the operational functioning of the NCP by:
 - drafting its annual promotional plan;
 - supporting the General Director in summoning and managing the NCP Committee;
 - collecting and instructing the received requests of information and instances;
 - fulfilling the administrative tasks, included those required by OECD (i.e. the periodic reports).

The first meeting of the NCP Committee is scheduled for next summer.

3. Modalities to manage the relation between NCP and other government agencies

The NCP is strongly engaged in involving governmental agencies and institutions in its activity and, in particular, national and regional administrations. These institutions can effectively contribute to the promotion and application of the Guidelines and of the principles of corporate social responsibility (CSR).

At the national level, the NCP preserves orderly relationships with the Ministry of Welfare (who launched the project "Corporate Social Responsibility" based on EU principles on CSR) and with the

Ministry of Foreign Affairs, which is responsible for the application of the UN “Global Compact”. The NCP periodically informs and involves these Authorities on its initiatives and programmes; participates to the CSR Forum and takes part to public meetings, seminars and activities organized by them.

The NCP devotes the same attention to regional administrations which, being closely related to territories, can promote the Guidelines principles amongst local actors, mainly SMEs, and answer to the requests of information at local level.

(see below, section B, point 2).

4. Modalities to manage the relations between the NCP and the social partners

The general intent of the NCP is to favour the moral suasion of enterprises and to strengthen the partnership between institutions, enterprises and other stakeholders.

Enterprises and business associations are invited to cooperate with the NCP in the definition and implementation of activities as well as in the adoption of voluntary socially responsible conducts. At the same time, in order to guarantee the greatest diffusion of the Guidelines it is important to create a climate of trust and synergies between the NCP, enterprises and all the stakeholders.

At these ends, the NCP asked to the most important trade unions and business associations to attend the NCP Committee.

Besides, the NCP continuously keeps in contact with social partners, involves them to planned meetings and seminars and promotes their active participation in the promotion of the Guidelines. (see below, section B, point 2).

5. Relations with other interested partners

Partners are also involved in the public activities of the NCP and are informed about NCP’s programme (see below, section B, point 2).

B. Information and Promotion

1. Availability of the Guidelines

The Guidelines have been translated into the Italian language and they are available, along with the English version, on the Italian Official NCP’s website (www.pcnitalia.it).

Moreover, 1.100 copies of the Guidelines have been printed to be sent and distributed on request, without any charges.

2. Information and promotion of Guidelines carried out with business community, trade unions, NGOs and interested public

During the year, the Italian NCP focussed on programming, implementing and launching a strong and complete information and promotion campaign. By this strategy the NCP intended not only promote its role and the Guidelines but also to contribute to create a new business culture.

The NCP carried out wide and heterogeneous promotional initiatives going from the development of promotional materials, the creation of a dedicated website and the information of interested counterparts to the participation to the participation to national promotional events (forum, fairs, etc).

One important initiative was the creation of the official NCP website (www.pcnitalia.it). The website contains information and documents on: the NCP, the Guidelines, the initiatives promoted in the field

of CSR, appointments and meetings. The website contains also a list of FAQ and a forum of discussion opened to interested public, institutions, associations, enterprises etc.

From July 2004 to May 2005, 2.707 visitors accessed to the NCP web site.

The NCP sent about 3.000 copies of this brochure to all multinational enterprises operating in Italy (both Italians and foreigners), together with a letter, written by MAP's Director General, introducing the Italian NCP and the Guidelines. The feedback received by enterprises is consistent.

The involvement of a large share of interested public was realised mainly during national events regarding the promotion of public administrations' activities ("Public Administration Forum" 9th-13th May 2005; "SMAU – International Fair of ICT and Consumer Electronic", Milan, 21st – 25th October 2004; "ComPa - European fair of public communication to citizen and enterprises" Bologna, 3th – 5th November 2004).

Within these events the NCP had its own information point where information materials and copies of the Guidelines were distributed and the main aspects of the NCP's activity and the contents of the Guidelines were presented to the public.

3. Other information and promotion activity held or planned

A part from the promotion activities already mentioned, the NCP adopted an overarching approach combining the spreading of information, the deepening of specific themes and the promotion of a new business culture.

The NCP had many exchanges of views with other Ministries and Institutions, with business community and social society representatives and also with the French, in order to better define the message to spread, to identify best practices and to examine closely the themes of the Guidelines.

Starting from this approach the NCP organized various meeting as follows:

- ✓ *Cycle of three Seminars* organised in partnership with the FEEM (Eni Enrico Mattei Foundation) devoted to deepen the contents of the Guidelines (particularly those aspects linked to human rights, environmental sustainability, bribery and innovation), to promote them as instrument to strengthen relations and confidence between institutions, firms and society and to stimulate enterprises to contribute to economic, social and environmental progresses.

Moreover, this initiative aims at the creation of an Italian network of high-skilled operators able to improve the diffusion and implementation of Guidelines and, in general, of CSR principles.

The first meeting, held in Milan on 28th October 2004, was entitled "*The trans-cultural thematic in the organisations*" and was centred on the presentation of the NCP and on the debate on the "*moral divide*" in particular on the differences existing between the moral attitudes of enterprises and those of their employees and of the societies where enterprises operates and the methods to reconcile them. Representatives of: institutions, multinational enterprises, trade unions, business associations, NGOs, consulting firms and universities participated to the discussion presenting their experiences and opinions.

The second seminar, which is planned in Milan for the 22nd of June 2005, will be entitled "*The OECD Guidelines and environmental aspects. Focus on the Kyoto Protocol*". It will treat the environmental recommendations of the Guidelines and their impact on social tissue, the opportunities and threats deriving from the implementation of the Kyoto Protocol especially in developing countries. A focus on the Clean Development Mechanism will be introduced.

In the next future it is planned to realise a third seminar dedicated to ethic behaviours of enterprises and bribery, considering its social and economic consequences.

The NCP collaborated with the National Committee for Economy and Labour (CNEL) for the organisation of a meeting titled: “*The sensitive firm: a strategy for globalisation*” which will be dedicated to the Guidelines themes with a focus on the win-win relation between responsibility and competition in global markets. (on last 30th May 2005).

The PCN promotes the creation of a new business culture based on the principles of the guidelines. To pursue this goal, it involved universities and students in its promotional activities, organising the following initiatives:

- ✓ In collaboration with the University of Bari and the Puglia Region, it realised the seminar “*The sensitive enterprise: a strategy for the globalization*” (12th November 2004) based on the analyses on possible economic and social consequences coming from the implementation of the Guidelines in an even more complex and globalised context. Some Italian firms’ experiences were presented.
The meeting was addressed to university’s students. Speakers were representatives of national institutions, US professors, members of social and business associations.
- ✓ The PCN started the collaboration with the “Sacro Cuore” Catholic University of Milan, one of the most important universities in Italy, in particular with its “School for High Training”, regarding the diffusion and implementation of Guidelines. The NCP, presented a lecture on its role and on the Guidelines during the Master “*CSR Manager*” organised by the University.
- ✓ Beside, a meeting was organised on “*Enterprises and globalization: Guidelines for a sustainable development*” and it will take place the next 19th May. The meeting is dedicated to encourage a debate on the trade off between globalisation and sustainable development. Highly qualified speakers are invited to the meeting together with representatives of governmental and regional authorities such as the undersecretary of the Ministry of Productive Activities and the councillor for environment of the Lombardia Region.
The recipients of the Seminar are mainly students, however other institutional and non-institutional actors are invited.

A very important aim of the NCP is the promotion of the Guidelines within the public administration to improve the governance and the relations with citizens.

To this end, the NCP organised, with the support of the Lombardia Region, the Chamber of Commerce of Milan and several business associations, a training course addressed to employees of public utilities agencies, entitled “*Development of public utilities and environment services management in multi-cultural contexts*”.

The aim of the course is to improve the knowledge of management with reference to Guidelines.

The course started on last 18th March 2005 and will end on July. At the end a diploma will be given to participants.

It is the second part will be dedicated to private sector involved in energy, water and trash.

The Italian NCP actively participated to several meetings and seminars, organised by institutional, social and business associations and presented itself and the Guidelines as follows:

- workshop “*Finance, Globalisation and Sustainability*”, held by the Forum for Sustainable Finance, and dedicated to verify the role of finance in supporting a process of sustainable internalisation of enterprises (23 March 2005);
- seminar “*The Italian Carbon Fund – the Italian Fund to reduce greenhouse gas*” organised by the Italian Ministry of Environment, the World Bank and the Chamber of Commerce of Rome to show the environmental recommendations of Guidelines (31st March 2005);
- convention “*CSR: opportunities, strategies, experiences of SMEs*”, promoted by the Chamber of Commerce of Forlì, many local SMEs participated to the event (15th April 2005).

Moreover, the Italian NCP attended to various seminars to gather information and other views on CSR, for example: “Taking CSR seriously”, (Frascati, 15th – 16th October 2004); “CSR and innovation – the biotech challenge” (Rome, 2nd December 2004); “CSR: a commitment for the future” (Rome, 10th December 2004); “Partnership in the community” (Milan, 16th December 2004); “To diffuse CSR: a benchmark among models, instruments and practises” (Rome, 20th December 2004).

4. Enquires received from (a) other NCPs; (b) business community, employee organisations, other NGO, public; (c) governments of non adhering countries.

No enquires have been received yet.

C. Implementation in Specific Instances

A specific instance have been yet received; we are in consultations with parties.

D. Other

1. The application of the core criteria to further the effectiveness of Guidelines implementation

Even if no instances have already been received, the NCP defined internal procedures to handle them according to the core criteria of the Guidelines. However the NCP intends to adopt a flexible and cooperative approach when facing single instances and requests in order to reach the best result.

2. Other information on the nature and results of the NCP

JAPAN / JAPON

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2004 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 no update is necessary, please indicate this.

(A) Amendments are made on the list of contact details (Annex 2).

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

(A) Three Ministries composing NCP of Japan are having close contact and exchanging information related to the Guideline as well as specific instance raised to the NCP.

- How does the NCP relate to other government agencies?

(A) Information such as documents, reports or record of Investment Committee are always shared by other government ministries/agencies concerned. They will be involved in the process of dealing with a specific instance if necessary. The NCP of Japan will keep in close contact with other government agencies if necessary.

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

(A) The NCP of Japan makes the maximum use of meetings, seminars and forums, organised by itself or others, to promote the Guidelines where our social partners can participate.

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

(A) The NCP of Japan makes the maximum use of meetings with parties, including non-governmental organizations (NGOs), with purport of the Guidelines, the activity of the NCP or a specific instance.

B. Information and Promotion

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

(A) Japanese provisional translation of the 2000 Guidelines, the revised Council Decision and the Procedural Guidance, together with a general explanatory note, have been available on websites of MOFA and METI since September 2000.

- 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 NCP of Japan makes the maximum use of meetings, seminars and forums, organized by it or others, to promote the Guidelines where our social partners including NGOs can participate. When the NCP organizes a meeting/seminar, invitations are always open to them. The NCP always distribute copies of the Guidelines when these opportunities are organized. The NCP responds to anyone who makes enquiries of the Guidelines.

- 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.)?

(A) 1. The Japanese government did spread enlightenment of OECD Guideline in the seminar of business community with Japanese multinational enterprises.

2. Japanese government organized seminars to explain to the Japanese business people based in Thailand, Malaysia, Philippines, China and Vietnam on the Guideline and the OECD Convention on Combating Bribery of foreign public officials.

3. With a cooperation of OECD Tokyo centre, the NCP made 2000 copies of booklet which contains Japanese provisional translation of the 2000 Guidelines, the revised Council Decision and the Procedural Guidance. These copies are distributed to business community at appropriate occasions such as seminars and forums.

- Annex 3 to this questionnaire presents Table 1 of the 2003 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.

(A) See attached Annex3.

- 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?

(A) Yes. Enquiries have been received from employee organizations and non-governmental organization.

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 2004-2005 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.

(A) May 2005

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

(A) Trade Union

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

(A) Paragraph 2 of Chapter I. General Policies and paragraph 1a), 2a) 2b)2c) 3, 4a) 7, 8. of Chapter IV. Employment and Industrial Relations.

- Does the specific instance involve business activities in a non-adhering country?

(A) Yes.

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

(A) Manufacturing

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

(A) N.A.

- If accepted, date specific instance was concluded.

(A) N.A.

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

(A) N.A.

- Would the NCP care to contribute additional information about this specific instance -- e.g. How was information gathered on the specific instance? Did all parties agree with the resolution?

(A) At this stage, no additional contribution is available.

Specific instances considered by NCPs to date

Annex Table 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs. NCPs are asked to complete this table.

(A) See attached Annex 4.

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 Government of Japan is committed to enhancing the role and functioning of its NCP, taking into account a variety of legal, social and regulatory settings in which multinational enterprises are placed. To realize its commitment, it has been exerting its utmost efforts to promote the Guidelines mainly through internet, and meeting with its business and social partners. The NCP of Japan continues to promote such activities, in line with the core criteria for the operation of the NCP.

- 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?

(A) The NCP of Japan has always been faced difficulties on fact-finding about activities of stakeholders and getting legal materials, and when it assesses about the specific instances.

KOREA / COREE

A. Institutional Arrangements

- The Korea National Contact Point (NCP) is **the foreign investment subcommittee** (hereinafter “the Committee”). The Chair of the Committee is the Vice Minister of the Ministry of Commerce, Industry and Energy (MOCIE). The Secretary of the Committee, who is responsible for the practical functioning of the NCP, is the Foreign Investment Policy Division of MOCIE.

Ministry of Commerce, Industry and Energy

1 Chungang-dong, Gwacheon-si, Kyonggi-do

Tel: 82-2-2110-5356

Fax: 82-2-503-9655

E-mail: fdikorea@mocie.go.kr

Web: www.mocie.go.kr

- The Committee is interdepartmental that is consisted of the Deputy Minister of relevant ministries of the central government and Vice Governors of each local government. The following ministries shall be the members of the Committee: the Ministry of Finance and Economy, the Ministry of Foreign Affairs and Trade, the Ministry of Government Administration and Home Affairs, the Ministry of Science and Technology, the Ministry of Culture and Tourism, the Ministry of Agriculture and Forestry, the Ministry of Commerce, Industry and Energy, the Ministry of Information and Communication, the Ministry of Environment, the Ministry of Labor, the Ministry of Construction and Transportation, the Ministry of Maritime Affairs and Fisheries, and the Ministry of Planning and Budget.
- In order to effectively resolve issues raised relating to the implementation of the Guidelines, the Committee has Mediation Committees set up temporarily as sub-committees, which consist of relevant government agencies, business associations, trade unions and non-governmental organizations in the field of employment and environment. The Korea NCP will continue to provide useful information to relevant parties and represent their interests fairly.

B. Information and Promotion

- The translation of the Guidelines was finished 2001. At the moment the NCP distributed informative publication brochures to Korean embassies worldwide and Korean companies doing business abroad. The NCP updated the informative brochures (esp. specify the procedural guidance) and distributed to embassies and Korean companies. In addition to that, the NCP distributed the brochures to Multinational Enterprises doing business in Korea. We regularly update information on the website <http://www.mocie.go.kr>.
- The NCP had conference with Korean Labor Society Institute on the Guidelines in general on 12 May 2003. The main theme was the information and promotion on the Guidelines, where the NCP explained enquiry procedure and introduce some specific instances.

- On specific instances, the NCP have a lot of promotive activities. The NCP had meetings frequently with relevant persons from the company in the question and ministries such as the Ministry of Labour and Ministry of Foreign Affairs.
- The NCP have developed linkages between the Guidelines and the Overseas Investment Guarantee with trade-investment promotion agencies. The KOTRA (Korean Trade Investment Promotion Agency) and the Korean foreign exchange banks provide information on the Guidelines to multinational enterprises with inward and outward investments.
- The cooperation of NCP with the business community, trade unions, NGOs and the interested public is being carried out irregularly. Through consultation and seminar, the NCP and private sector exchange experiences and discuss promotion.
- In specific instances, the NCP have received enquiries from (a) other NCP s, especially US NCP. The Netherlands NCP informs of some instances and provides useful information. (b) The employee organisations, other non-governmental organisations have raised the issues on the implementation of the Guidelines.

C. Implementation in specific instances

- No specific instance has been raised by labor unions and NGOs since June, 2004. Korea's NCP is striving hard to specify the NCP procedures. We will encourage multinational enterprises to comply with the guidelines to promote corporate responsibilities.

D. Others

- Visibility – The NCP is doing well promotion activities. As the interests from private sector including business community, labor organizations and NGOs get higher; questions on the Guideline procedure get much. The NCP often update the website on the Guideline.
- Accessibility - The website, brochures, an e-mail address provide the necessary accessibility. The NCP provides guidance on how specific instances should be submitted.
- Accountability – The NCP has conference with NGOs and tries to initiate meeting more often. Receiving enquiries, the NCP put in place to deal with specific instances. The instance the NCP got a request, the NCP acknowledge receipt of a request to relevant parties. The NCP, government and relevant parties share accountability.
- Transparency – Information on the Guideline and implementation procedures are made public on the website. In case of specific instances, information and the name of the companies will be confidential to the public till the matters setted down. This is to protect sensitive business and other information.

LATVIA / LETTONIE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2004 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 no update is necessary, please indicate this.*

See Annexes 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)?*

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 Relations of the Ministry of Foreign Affairs.

- *How does the NCP relate to other government agencies?*

Information on the developments related to the Guidelines as well as the work related to the OECD Declaration is shared within the OECD Consultative Board which is represented by the following 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.

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

Latvian Employers’ Confederation (LEC) and Free Trade Union Confederation of Latvia (LBAS) are represented in OECD Consultative Board. LEC is the largest organisation representing employers’ interests in Latvia. LBAS is the biggest non-governmental organisation in Latvia which protects the interests of professional trade union members and employees in the socio economic field.

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

OECD Consultative Board statute provides that other institutions, including NGOs, may be invited to the Board meetings to discuss specific issues related to their field of competence.

B. Information and Promotion

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

The Guidelines and the relevant decisions of the OECD Council are available in Latvian and English on the website of the Ministry of Foreign Affairs <http://www.mfa.gov.lv>.

The Guidelines and overall information relating to Guidelines are also available on the website of Latvian Investment and Development Agency (LIDA) <http://www.liaa.gov.lv>.

- *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.)?*

Free Trade Union Confederation of Latvia and Latvian Employers' Confederation within the framework of OECD Consultative Board have been encouraged to disseminate the information on Guidelines to the potentially interested parties.

Informational letter on Guidelines has also been sent to the Latvian Chamber of Commerce and Industry and Foreign Investor's Council in Latvia (FICIL) - a non-governmental organisation which unites the largest businesses from different countries and sectors that have made significant investments in Latvia's economy.

- *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.)?*

Latvian NCP is planning to undertake a discussion with foreign multinational enterprises on Guidelines within the framework of FICIL by organising a meeting with the members of FICIL.

The discussions on possible formats for promoting Guidelines also have started with LEC which has acquired good experience in promoting corporate social responsibility among responsible parties. Since 2002 LEC has been involved in launching and facilitating Global Compact activities in Latvia.

Annex 3 to this questionnaire presents Table 1 of the 2003 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.

See 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?*

There are no enquiries received.

LITHUANIA / LITUANIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2004 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 no update is necessary, please indicate this.

- Annex 1: amendment in the chapter “Governmental Location of the NCP” - Ministry of Economy; amendment in the chapter “Other Ministries and/or Agencies Involved” –

Lithuanian Trade Union “Solidarumas”
Lithuanian Trade Union Confederation
Lithuanian Labour Federation
Lithuanian Business Employers’ Confederation
Lithuanian Confederation of Industrialists

- Annex 2:

Company Law Division
Enterprise Economics and Management Department
Ministry of Economy of the Republic of Lithuania
Gedimino ave. 38/2
LT- 01104 Vilnius

- 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?

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

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 by following means:

- The *Guidelines* are translated into Lithuanian;

- The web page for the NCP is created in the web site of the Ministry of Economy (<http://www.ukmin.lt/index.php/lt/Nuorodos/OECD/>). The translation as well as the review of recent developments concerning the scope and application of the Guidelines is available in the NCP web page.
- The Guidelines and their review are published in special publication “European Work Councils: 33 questions and answers. OECD Guidelines for Multinational Enterprises”.
- 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.)?

Consultations between the government officials, trade unions and business organizations were organised. Collaboration with the Tripartite Council enables the NCP to maintain a close link with all major Lithuanian employees and business community organisations, and the information on the Guidelines is also presented during the meeting of Tripartite Council periodically.

- 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.)?

NCP made a set of activities to promote the *Guidelines*. In July 2004 the joint Tripartite Council and NCP seminar in Vilnius was held with the active participation of trade unions, state officials from Lithuania, as well as the delegates of multinational enterprises, representatives of non-governmental organisations and other interested parties. Concerning this seminar the Guidelines and their review are published in special publication “European Work Councils: 33 questions and answers. OECD Guidelines for Multinational Enterprises”.

- Annex 3 to this questionnaire presents Table 1 of the 2003 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.

No update.

- 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

No specific instances have been brought to the 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.

Seeking to fulfil the core criteria for the operation of NCPs, Lithuanian NCP has made information on recent developments available on the web page. The Guidelines and their review are published in special Lithuanian publication “European Work Councils: 33 questions and answers. OECD Guidelines for Multinational Enterprises”.

- 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?

No.

LUXEMBOURG

MEXICO / MEXIQUE

A. Institutional Arrangements

The National Contact Point of Mexico (NCP) is located in the Ministry of the Economy, at the *Dirección General de Evaluación y Seguimiento de Negociaciones* (Office of the Director General for International Trade Negotiations), to take advantage of the acquired expertise this office has in handling issues related to the side agreements on labour and the environment of the North America Free Trade Agreement (NAFTA). Our office is also in charge of the administration and proper implementation of NAFTA. Moreover, this area has negotiated the provisions on standard-related measures, trade remedy and safeguards and the textile sector in all the Free Trade Agreements signed by Mexico. In addition, this office participates in the negotiations of several multilateral environmental agreements. Finally, we conduct consultations with the private sector and stakeholders through the “*Coordinadora de Organismos Empresariales de Comercio Exterior*” (COECE) and the chambers and associations representing the manufacturing sector in Mexico.

The NCP mailing address is:

Secretaría de Economía
Attn: Kenneth Smith
Alfonso Reyes # 30, Piso 18
Col. Condesa C.P. 06179
Mexico, D.F., Mexico
Tel 5729-9146
Fax 5729-9352
e-mail: pcn-ocde@economia.gob.mx

The NCP may be a senior official or a government office headed by a senior official. Alternatively, it may be organized as a co-operative body, including representatives of other government agencies, representatives of the business community, employee organizations or other interested parties. The first option was considered the most convenient for Mexico and has proven beneficial for cooperation with other interested parties.

B. Information and Promotion

For information and promotion purposes, we have improved the access to the Guidelines web page, which is now available on the Ministry’s home page: www.economia.gob.mx, as well as on the home page of the Undersecretariat for International Trade Negotiations: www.economia-snci.gob.mx. The web page includes information on the NCP, the Guidelines in Spanish along with an introductory page, links to the OECD home page, the Declaration on International Investment and Multinational Enterprises, as well as the June 2000 Decision of the OECD Council.

Information regarding the Guidelines and the NCP was sent this year to different Mexican government agencies, such as the Ministry of Labour and Social Security and the Ministry of the Environment and Natural Resources. Letters and brochures containing this information were also sent to business community, including industry and trade chambers and associations, trade unions, academic and civil society organizations.

Furthermore, the NCP is planning to hold a meeting this year on the Guidelines and their implementation by the NCP of Mexico. Government agencies, business community, trade unions, academic organizations and the public in general will be invited to participate. We expect to have a dialogue among all stakeholders in order to improve understanding of the Guidelines and the activities of the NCP.

We consider that by making the Guidelines readily accessible through the Internet, through printed materials such as brochures, as well as by carrying out informational and promotional meetings, we are contributing towards the effective application of the core criteria for the operation of the NCP of Mexico.

C. Implementation in Specific Instances

1. *Euzkadi Case**

In 1998, Continental Tire, a multinational enterprise from the manufacturing sector (hereafter referred as the company), bought two companies in Mexico, one of them *Compañía Hulera Euzkadi* (located in El Salto, Jalisco), which had been operating in Mexico since 1932.

On December 16th 2001, Continental Tire made the decision to close its plant in El Salto, Jalisco. According to the Continental Tire Annual Report of 2001, the company and the workers from the trade union called *Sindicato Nacional Revolucionario de Trabajadores de la Compañía Hulera Euzkadi* (hereafter referred to as the trade union) could not reach an agreement regarding the implementation of international productivity standards. In addition, the company had decided to move the plant to a new location within the NAFTA region.

The trade union argued that the closure of the plant was in breach of Mexican law and the OECD Guidelines (IV.6 Employment and Industrial Relations) because it was carried out without any prior notification or consultation with the workers. On the other hand, the company argued that the closure was done in a manner consistent with Mexican law.

On March 22nd 2002, the trade union initiated a strike. After a legal process conducted through the Junta Federal de Conciliación y Arbitraje (authority in charge of federal labour disputes), the strike was considered legal.

The NCP met with representatives from the trade union as well as with representatives from the company in order to hear their viewpoints on this case. We contacted the Ministry of Labour and Social Security in order to exchange opinions regarding the application of Mexican Labour Law and its interaction with the OECD Guidelines. In addition, we were in touch with the NCP of Germany to exchange and to update information on this case.

Finally, the trade union and the company reached an agreement in December 2004. According to that agreement the company sold the El Salto plant to Grupo Industrial El Salto, a 50/50 joint venture company formed by the trade union and the company called Llanty Systems. The company committed to provide technical assistance for a period of 6 months and raw materials

* The trade union called *Sindicato Nacional Revolucionario de Trabajadores de la Compañía Hulera Euzkadi* raised this specific instance in 2002.

required for the manufacturing process. Additionally, the company agreed to buy 500.000 tires annually from that plant.

In addition, the trade union accepted to withdraw all lawsuits and claims against the company, and release Continental and Euzkadi from any and all liabilities related to the plant's closure.

2. *Uniroyal case*

On August 24th 2000, the *Sindicato Nacional de Trabajadores de Uniroyal* (hereafter referred to as the trade union) and the company Uniroyal (hereafter referred to as the company) made an agreement to finish collective and individual labour relationships in two plants situated in Querétaro and Mexico City. Consistent with that agreement, the company committed to compensate the company's workers according to law.

However, a group of workers rejected the settlement arguing that the closure of these plants were in breach of Mexican law and the OECD Guidelines (IV.6 Employment and Industrial Relations), because it was carried out without any prior notification or consultation with the workers. In addition, they argue that was not according to Mexican law.

On March 10 2004 the NCP received a request from the group of workers to assist them in the resolution of the conflict with respect to the implementation of the Guidelines. As a result of the meeting, we request additional information from the workers, which was received on February 10 2005.

The NCP has met with representatives from the company and from the Ministry of Labour and Social Security, as administrative authority, in order to hear their position on this case. Both the company and the Ministry of Labour argue that closure and compensation were conducted in a manner consistent with the law.

The NCP of Mexico has offered its good offices to help the parties involved to resolve these issues.

D. **Other relevant activities**

During this year we participated in meetings and conferences with the legislative branch, civil society organizations such as *Frente Auténtico del Trabajo*, *Liga Mexicana por la Defensa de los Derechos Humanos*, *Centro de Apoyo a los Trabajadores de Yucatán*, *Friedrich Ebert Stiftung*, German Watch, and public interested in learning what the OECD Guidelines are and how the NCP works.

On October 12 and 13 2004 we attended in Montevideo, Uruguay, the workshop entitled: Perspectives of the Guidelines for Multinational Enterprises, organized by the Trade Union Advisory Committee to the OECD (TUAC) and the *FES-Proyecto Regional Sindical*. In that meeting the NCP of Mexico shared its experience with other Latin American NCPs and trade unions in relation to implementation of the Guidelines and specific instances.

In the context of the 10th Anniversary of Mexico's Membership, a roundtable on the implementation of the Guidelines was held in Mexico City on November 3 2004. The NCP exchanged viewpoints with representatives of trade unions, civil society organizations and TUAC regarding its information and promotion activities, and its role as a forum to resolve issues related to implementation of the Guidelines.

NETHERLANDS / PAYS-BAS

A. Institutional Arrangements

The Ministry of Economic Affairs chairs the National Contact Point (NCP).

Ministry of Economic Affairs
P.O. Box 20102
2500 EC The Hague
T: +31 70 379 6485
F: +31 70 3797221
E: ncp@minez.nl
www.oesorichtlijnen.nl

Acting chair: Willem van der Leeuw;
Secretariat: Irina van der Sluijs

The NCP is an interdepartmental committee. All ministries are invited to attend the meetings of the NCP. The NCP holds regular consultations with social partners (i.e. business community and employee organisations) and NGOs. These meetings provide input for the position of the Netherlands in the IC and WP. During these meetings implementation and promotion of the OECD Guidelines for Multinational Enterprises (the guidelines) are discussed.

B. Information and Promotion

The Ministry of Economic Affairs hosts a website (www.oesorichtlijnen.nl) to promote the guidelines. A translation of the guidelines is available on the site. Statements on specific instances are published on this site as well.

Promotion of the guidelines has the constant attention of the Dutch NCP. NCP members will use any occasion to inform colleagues, stakeholders and others about the existence of the guidelines. A more structured promotion plan for the guidelines will be finalised this year. This plan will be integrated in a broader communication plan for International CSR.

These plans will take into account the results of an evaluation of the functioning of the Dutch NCP and of Dutch policies on CSR standards in general, which will take place in the coming months.

The following activities in 2004-2005 are highlighted:

- Promotion of CSR and the guidelines during the *European Conference on Corporate Social Responsibility, Competing for a sustainable future*, hosted by Karien van Gennip, coordinating minister for CSR in the Netherlands.
 - During this conference, held under the Dutch EU presidency, ministers from several departments (Economic Affairs, Development Co-operation, Environment, Social Affairs and Employment) expressed their commitment to CSR initiatives and guidelines.

- One parallel session was entirely devoted to the role of NCPs in promoting and implementing the guidelines. Reports from the parallel and plenary sessions have been circulated among the 700 participants of the conference (see also section D. Other).
- Participation by the NCP Chair in a few national and international gatherings. Due to the change of chairs in 2004, it took some time for the new chair to build an own network and expertise. Invitation to participate at the OECD Watch event in Brussels on April 1st was gladly accepted.
- A CSR Knowledge and Information Centre (MVO Nederland/ www.mvonederland.nl) was launched last November, supported by the Ministry of Economic Affairs. Apart from providing information on general CSR policies and guidelines, MVO Nederland will collect and distribute CSR specific country information, with emphasis on emerging markets.
- A brochure on the guidelines was distributed among businesses accompanying the Minister for Foreign Trade on trade missions.
- A project proposal for collecting and distributing CSR information by the Agency for International Business and Cooperation (the EVD/ www.evd.nl) of the Ministry of Economic Affairs was submitted and approved. Concrete results are expected by the end of 2005.
- The annual study tour of the “young policy advisors” of the Ministry of Economic Affairs took place in Brazil this year. CSR was part of the preparation; CSR-related issues were discussed during visits with multinational and national companies in Brazil.

C. Implementation in specific instances

Since the revision of the guidelines in May 2000, the NCP has discussed 14 specific instances, of which 4 have been concluded with a statement and 6 concluded without a statement from the Dutch NCP. 4 new instances were raised during this reporting period. Three instances are still under consideration of the NCP.

Finalised through legal proceedings (1)

- A Dutch trade union informed the NCP about the possible introduction of a 40-hour workweek within an affiliate of an American multinational. This instance has not been taken on by the NCP, because it was finalised through legal proceedings– with a positive outcome for the employees. The NCP is considering mentioning court rulings on Guideline-related issues which were brought to its attention by stakeholders in future NCP annual reports, but only if the company involved does not object.

Pending instances (3)

- This instance concerns the treatment of employees of an affiliate of an American company in the process of financial closure (August 2002). A Dutch trade union has been heard and the NCP has contacted a legal representative for more information. As the affiliate company no longer exists it has been difficult to obtain all the necessary information. The NCP expects to be able to finalise this specific instance in the coming months.

- The NCP is in the process of determining whether to take on this specific instance raised by a Dutch trade union about social rights within a multinational company from another OECD country. To this end contacts have been established with other NCPs in OECD countries where similar questions have been raised. Parallel legal proceedings are taking place in another OECD country.
- The NCP is in the process of determining whether the Dutch NCP can play a role in an instance raised by a trade union in another OECD country about social rights within a local company. A Dutch financial institution, through a local subsidiary, allegedly co-finances the company. The Dutch NCP will soon enter into consultations with a representative of the financial institution.

An overview of the Dutch NCP statements can be found on www.oesorichtlijnen.nl, under *nationaal contactpunt – verklaringen*.

D. Other/CSR in the Netherlands

European Conference on Corporate Social Responsibility, Competing for a Sustainable Future, 7, 8 and 9 November 2004 in Maastricht, the Netherlands

Every autumn since 2001 the member state holding the EU presidency has organised a European conference on corporate social responsibility (CSR). Previous conferences were held in Belgium, Denmark and Italy. Because the Dutch government attaches great importance to CSR, it continued this sequence and took the opportunity of the conference to focus on the importance of CSR in a European and even a global context and to draw attention to the Dutch government's views on CSR policy.

The Dutch presidency's ambition to use this conference to broaden the debate on CSR has been realised:

- the issue of CSR was considered substantively across the whole spectrum of "people, profit and planet";
- a wide range of stakeholders were represented: not only NGOs and governments, but also businesses, which participated actively in the many workshops;
- the more than 700 participants and speakers came from 55 countries from all continents, so that the debate on CSR within the EU has been broadened to CSR in the world.

A DVD with the report of the conference, the E-conference and the final conclusions can be ordered through the Dutch NCP secretariat.

CSR and Trade

The OECD guidelines for multinational enterprises and the related procedures for the handling of specific instances by NCPs only apply to investment-related issues.

Nevertheless, the Netherlands is of the opinion that it is important to promote the application of CSR in trade relations as well. Therefore, in March 2005, during a meeting of the OECD Trade Committee with BIAC, the Netherlands presented a discussion paper on the question whether the

OECD could start with work in order to stimulate trade-related CSR initiatives. Following-up on the discussions in March, the Netherlands is working on a revised discussion paper, which it intends to present at the July meeting of the Working Party of the Trade Committee.

Chains of production and distribution are becoming more lengthy and complex. A growing number of countries is acquiring a place within these chains. In a number of countries, production standards in the area of environment and labour are not always at the level consumers expect. Accordingly, there is a growing demand for information on conditions under which products are made. If such information is not available, resistance against import of several overseas products may rise, thus weakening support for further trade liberalisation. Therefore, the Netherlands is of the opinion that trade policy makers have a contribution to make in the search for new initiatives to cope with consumer concerns. In particular, the following question would seem to deserve their attention: What new or intensified forms of co-operation among the different actors (business, government, civil society, consumer organisations) would make it feasible to inform consumers to the fullest extent and simply on circumstances and methods of production?

CSR and government support for international commercial activities

Since 2002, companies requesting government support for their international commercial activities have to fulfil certain CSR-related conditions. They have to sign a declaration stating that they will do their utmost to live up to the OECD Guidelines for Multinational Enterprises. In addition, if they request government support for projects, these projects have to meet certain environmental and social standards. Furthermore, if bribery is involved in the acquisition of a project, support will be denied (or later reclaimed).

Recently, there has been an evaluation of the manner in which the agencies responsible for the implementation of the support instruments are applying this framework in practice. This evaluation included a stock-taking of the experiences of companies and civil society organisations.

In general, the framework works quite satisfactorily, but some practical aspects (related to the clarity and transparency of the framework) have to be improved.

In two years time, the effects of this framework on CSR performance (related to supported projects outside the OECD area) will be examined more thoroughly.

Dutch National Research Network on Corporate Social Responsibility

This is a collective initiative of research groups of the Erasmus University Rotterdam, University of Nijmegen, University of Tilburg, University of Amsterdam, Free University Amsterdam, University of Nijmegen and the University of Twente sponsored by the Ministry of Economic Affairs.

The results of this programme were presented in a booklet, named: "Making a Difference", that can be ordered through <http://apps.ez.nl/bestel/search.asp>.

Transparency

A "Guide to Sustainability Reporting" was developed by the Ministry of Economic Affairs and can be ordered through <http://apps.ez.nl/bestel/search.asp>.

In the Transparency Benchmark 2004, the consultancy firm Berenschot and EIBE/ University Nyenrode were commissioned by the Ministry of Economic Affairs to examine the annual reports of 100 listed and 75 non-listed companies for transparency as regards CSR. The objective of this first Transparency Benchmark is to obtain an insight into the extent to which Dutch companies render account of their CSR policy.

The same was done for 25 not-for-profit organisations.

A summary of the results is available in English and can be ordered through: <http://apps.ez.nl/bestel/search.asp>.

NEW ZEALAND / NOUVELLE-ZELANDE

A. Institutional Arrangements

No update is required for Annex 1.

For Annex 2, the contact details of the NCP have been changed to:

International Technical and Regulatory Co-ordination Team

Regulatory and Competition Policy Branch
Ministry of Economic Development
PO Box 1473
Wellington
New Zealand

Phone: +64 4 462 4287

Fax: +64 4 499 8508

Email: oeed-ncp@med.govt.nz

Web-address: <http://oeed-multinat.med.govt.nz>

- *What is the composition of the NCP?*

The New Zealand National Contact Point is comprised of officials from the Ministry of Economic Development.

The NCP is assisted by a Liaison Group comprising representatives from the:

- Ministry of Foreign Affairs and Trade;
- Department of Labour;
- Ministry for the Environment;
- Treasury;
- New Zealand Council of Trade Unions;
- Engineering, Printing, and Manufacturing Union;
- Business New Zealand;
- New Zealand Business Council for Sustainable Development; and
- New Zealand Sustainable Business Network.

The members of the Liaison Group represent the views of their stakeholders to the NCP and promote and supply information about the Guidelines to their stakeholders and other members of their organisation.

The NCP has adopted a co-ordinated and cooperative approach to involve all relevant stakeholders in discussions on the promotion of the Guidelines in New Zealand through the Liaison Group.

The Liaison Group meets two or three times a year or as required.

- *How does the NCP relate to other government agencies?*

The NCP draws on the expertise and resources of other relevant government agencies as needed – often through the contacts in the Liaison Group.

The NCP recognises that meeting the responsibilities for the Guidelines requires a co-operative and co-ordinated approach. It has sought the active involvement of other government departments in the following ways:

- by supplying information about the Guidelines to all government departments and asking each to ensure its officials are aware of the Guidelines and to incorporate them appropriately in departmental policies, processes, and promotional activities.
- by asking government departments to help promote the Guidelines through their websites.

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

The NCP consults with business, labour groups and other social partners as required (either directly or through their representatives on the Liaison Group) and asks these organisations to help promote the Guidelines through their websites.

- *How does the NCP relate to other interested parties, including NGOs, involved in the functioning of the NCP?*

The NCP welcomes the input of NGOs and wider civil society. It consults with interested parties including NGOs as required and through the Liaison Group.

B. Information and Promotion

- *How have the Guidelines been made available in your country?*

Zealand NCP's updated website now includes:

- a link to the Guidelines;
- an introductory guide to the Guidelines and its processes;
- a description of the role of the NCP;
- contact details for the NCP;
- documents relevant to the Guidelines (including NCP meetings and Guidelines-related OECD reports); and
- links to OECD websites and those of other relevant organisations.

Hard copies of the Guidelines are available on request and are sent to anyone who requests a copy of them.

Information on the Guidelines and the role of the NCP in New Zealand have been included in information packs at business and other relevant fora. The NCP also distributes an informational pamphlet on the Guidelines to other people inquiring about the Guidelines.

- *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?*

The Liaison Group acts as the major channel for co-operation in respect of promotion of the Guidelines in New Zealand. Members promote the Guidelines to their stakeholders and work in a co-operative way to promote the Guidelines. The New Zealand Overseas Investment Commission is also involved in promoting the Guidelines to foreign multinational enterprises looking to operate in New Zealand.

- *Have other information and promotion activities been held or planned?*

The NCP has:

- distributed information about the Guidelines to all government departments and advised them about their obligations under the Guidelines;
- discussed the Guidelines with relevant government organisations in an effort to encourage them to promote the Guidelines in their future activities;
- distributed information packs about the Guidelines to businesses and other interested parties at industry seminars;
- updated and extended its website and promotional material. A pamphlet on the Guidelines has been prepared is distributed at conferences and as the occasion arises.

Planned activities include:

- a media campaign to promote the Guidelines;
- investigating the feasibility of producing an information booklet which highlights the commonality of the Guidelines with other programs and activities related to corporate social responsibility. The booklet would focus on highlighting responsibilities as a part of usual best practice rather than additional compliance costs.

No update to Annex 3 is required.

- *Have enquiries been received from:*

a) other NCPs;

No enquiries have been received from other NCPs.

b) the business community, employee organisations, other non-governmental organisations, or the public;

No enquiries have been received from the business community, employee organisations, other non-governmental organisations, or the public.

c) governments of non-adhering countries;

No enquiries have been received from the governments of non-adhering countries.

C. Implementation in specific instances

- *Have specific instances been brought to the attention of your National Contact Point?*

No specific instances have been brought to the attention of the NCP. The Liaison Group has discussed instances raised with other NCPs and the implications of them for New Zealand and to New Zealand multinational enterprises operating overseas.

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, through the NCP website and in other ways. Members of the Liaison Group also promote the Guidelines and the NCP. As described above, steps have been taken to increase the visibility of the Guidelines and the NCP.

Accessibility: The NCP has responded to all enquiries and requests for information received. The NCP can be contacted by telephone, e-mail, fax or post.

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

Accountability: The NCP is accountable to the government through the Minister of Commerce.

Other information on the nature and results of NCP activities;

To date, the main focus of the NCP, working with the Liaison Group, has been promoting the Guidelines, distributing information about them and raising the awareness of them in New Zealand. While there has been some progress, the NCP is conscious that more can be done, and will continue its promotional activities.

Meetings of the Liaison Group provide a forum to discuss other issues (besides Guidelines promotion), such as the overlap of the Guidelines with other codes and standards for corporate social responsibility (including the development of ISO 26000 and other New Zealand government-sponsored initiatives).

Although no specific instances have been raised with the NCP, members of the Liaison Group have indicated that the potential to do so under the Guidelines has provided some leverage to successfully address issues of concern with multinational enterprises operating within New Zealand.

NORWAY / NORVEGE

A. Institutional Arrangements

Unchanged.

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 are available on the website of the Ministry of Foreign Affairs. We have also published a brochure about the Guidelines in Norwegian and English which also is posted on the 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.)?

Co-operation is carried out through the NCP.

- Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair's Summary ("Linkages – 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.

No update necessary.

C. Implementation in specific instances

No specific instances were raised with the Norwegian NCP during the June 2004-2005 cycle.

POLAND / POLOGNE

A. Institutional Arrangements

The Polish National Contact Point is located at the Polish Information and Foreign Investment Agency (PAIiIZ). Its address is:

The Polish Information and Foreign Investment Agency
Ul. Bagatela 12
00-585 Warsaw
Poland

There have been changes in the location of the Polish National Contact Point within the structure of the Polish Information and Foreign Investment Agency. The National Contact Point has moved from the Investors' Servicing Department to the Business Intelligence Department. This new location makes it possible for the NCP to receive more detailed information on activities of companies.

At the same time, it was made sure that contacts with investors serviced by the Investors' Servicing Department will be maintained, among others through a training for Project Managers on the Guidelines. The Polish NPC located in PAIiIZ reports to the Ministry of Economy and Labour (where it was located before 2001).

NCP stays in contact with social partners through correspondence and telephone calls and maintains operational contact with employee organizations (trade unions) at several companies. Besides NCP keeps in touch with embassies, foreign companies and individuals.

B. Information and Promotion

The Guidelines for Multinational Companies are translated into Polish and are available in several ways. First of all, it is possible to find them on the website of the Polish Information and Foreign Investment Agency. The website has a special part for the NCP. It describes NCP's role and provides the reader with a short introduction to what the Guidelines are. The Agency has launched a new more user friendly portal at the beginning of the reporting period. Thanks to intensive promotion of the website the amount of visits on the website increased substantially (in April 2005 it received 250 thousand hits). The site is translated into several languages and therefore the information on the activities of the NCP are now available in five languages: Polish, English, French, Russian and German. It is possible to download the Guidelines in Polish and there is a link to the Guidelines in English on the OECD website.

Secondly, the *Guidelines* are available in printed form and have been edited as a booklet. They are displayed on a shelf with PAIiIZ publications situated near each conference room in the Agency building and are available for every potential investor visiting PAIiIZ. Thirdly, *Guidelines* are available from the NCP upon request in electronic and published version.

Polish NCP stays in contact with the business community and trade unions. Its informational activities are conducted according to the core criteria for the operation of NCPs. NCP answers numerous questions from the business community and trade unions. They concern both the Guidelines and the 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 and individuals interested in the activities of the NCP and the Guidelines.

The NCP was promoting the Guidelines to individuals and people representing the business community. This kind of promotion comprised distributing the booklets with Guidelines and answering to enquiries about them and the role of the NCP. Polish NCP has received enquiries from employee organizations, companies, embassies and the public through telephone, as well as e-mails and meetings. Enquires concerned the Guidelines and the procedures and activities of the NCP. The questions asked mean that the NCP is known among the society (individuals approaching us disposed of previous knowledge about the NCP) and that there is an interest in the Guidelines.

To make sure that each investor approaching Polish Information and Foreign Investment Agency is informed about the Guidelines, the NCP provided a workshop for Project Managers that is for PAIIZ employees having direct contacts to foreign investors and the Department of Regional Cooperation, having contacts with regions. The topics included explanation on what the Guidelines are, how to implement them, what are the most often asked questions about the Guidelines and what matters are considered special instances.

C. Implementation in specific instances

A new specific instance was raised to the NCP at the end of 2004. It involved a claim by a board of trade union "Solidarity" about a situation in a foreign company from the entertainment sector. The board of the Polish subsidiary is accused of breaking the regulations of the IV chapter of the Guidelines. According to the claim, the board despite previous declaration of respect for dialogue, failed to engage in constructive negotiations to reach agreement with the representation of the trade union. Contrary to the law, the president of the trade union was dismissed. NCP is in constant contact with the representation of the employees, and has contacted the company. Despite numerous claims for contact no answer has yet been given to the NCP.

The NCP resumes also to deal with a specific instance raised in 2002 by an employee organization of a foreign company from the construction sector. The trade union in the company complains about the violation of workers rights. The board is accused of acting against the regulations of the IV chapter of the Guidelines: not respecting the right of their employees to be represented by trade unions, not engaging in constructive negotiations with a view to reaching agreements on employment conditions, not providing facilities to employee representatives as may be necessary to assist in the development of effective collective agreements, not providing information to employee representatives which is needed for meaningful negotiations on conditions of employment, not promoting consultation and co-operation between employers and employees and their representatives on matters of mutual concern, not enabling an authorized representatives of employees employees to negotiate on collective bargaining with representatives of management who are authorized to take decisions on these matters, not providing reasonable notice of changes in their operations which would have a major effects upon the livelihood of their employees and not obeying the resolutions of the Labour Inspection. The company denies all the charges.

D. Other

In order to abide the core criteria for the operation of NCPs, whenever a claim is raised to the NCP, both sides of a conflict are continually and equally informed - about each letter from any of the sides and about each issue raised by them. Besides, whenever a claim is raised at the NCP, both sides are informed about the Guidelines and facilities associated with the NCP. The NCP responded to all legitimate requests for information and enquires and NCP conducted promotional activities aimed at making Guidelines more accessible for investors, especially by trainings for people having direct contact with investors.

As a final remark, it is worth to stress that the public expectations towards the NCP reaches much further than its range of possible activities. It is especially visible in the expectations of trade unions, who hope the NCP can exact such behaviour on the other party of conflict which is impossible to exact by a court verdict. The fact that the Guidelines do not have legal status allows the Guidelines to be comprehensive, but at the same time it limits the possible impact of NCPs actions. NCP had to explain social partners that the Guidelines do not over-ride and are not a substitute to the Polish law.

PORTUGAL

ICEP Portugal is the Portuguese Contact Point, located in Lisboa:
 Av. 5 de Outubro, nº 101; 1050-051 Lisboa, Portugal.
 Tel. +351 808 214 214 // +351 217 909 351 //
 Fax +351 217 909 577
 Emails: icep@icep.pt / paula.rod@icep.pt
 Web: www.icep.pt/empresas/dirempmulti.asp
 This public institute responds directly to the Minister of Economy and Innovation.

A. Institutional Arrangements

- Please find enclosed the updated Annexes Table 1 (“Structure of the National Contact Points”) and Table 2 (list of National Contact Points).
- As far as institutional arrangements are concerned, there is no relevant information to provide.
- ICEP Portugal keeps working in close co-operation with other agencies from Ministry of Economy such as API (Portuguese Agency for Investment) DGE (Directorate General of Enterprise of the Ministry of Economy) and IAPMEI (Medium and Small Enterprises Institute), and is collaborating more directly with the Foreign Office and the Embassies of Portugal all over the world, networking locally as well as internationally through its 50 offices abroad.
- ICEP Portugal maintains regular consultations with its social partners. It is also noteworthy its continuous efforts in developing a closer relationship with the main Portuguese entrepreneurial associations, Chambers of Commerce and business people in general.

B. Information and Promotion

- Most of the information provided by ICEP Portugal on the Guidelines for Multinational Enterprises was translated and made available in its official website. Leaflets were distributed in seminars for business, labour and civil community.
- The Portuguese Contact Point is focused on the observance of the Guidelines. Therefore, steps were taken in order to instigate a major contribution of the national business community, namely the Portuguese investors abroad, who are becoming quite aware of their importance.
- In terms of promotion, linkages were developed with entrepreneurial representatives and social partners aiming at reinforcing the effectiveness of guidelines implementation, as a way of good governance, namely by increasing their involvement in the organization of events and carrying out activities together with the NCP. Presentations on the contribution to corporate responsibility by the Guidelines were made to business sector.
- No update is necessary to Table 3.
- No enquiries were received from other bodies.

C. Implementation in specific instances

- No specific instances were reported.

D. Other

- The Site was updated. Presentations were made to business sector.
- In Portugal, the subject does not raise much interest in social partners.

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

National Contact Point of the Slovak Republic – NKM SR
Odbor hospodarskej strategie
MH SR, Mierova 19
827 15 Bratislava

Phone: +421-2-48541610

Fax: +421-2-48543613

E-mail: aradyova@economy.gov.sk

Web site: www.economy.gov.sk/files/SmernicaOECDpreNKM/smernice.doc

NKM SR is a single unit at the Ministry of Economy of the Slovak Republic (MoE SR). In the organization structure of the MoE SR, the NKM is under the Division of Enterprise and Tourism, Department of Economic Strategy.

NKM SR has no direct link to other government agencies.

Neither business community nor employee organizations are integral parts of NKM SR. They are only involved in discussion and exchange of views.

NGOs are not integral part of NKM SR. They are only involved in discussion and exchange of views with NKM SR.

B. Information and Promotion

Translation of the Guidelines to the Slovak language and other relevant information is made publicly available at the NKM SR website under the Ministry of Economy of the Slovak Republic.

Business community, trade unions, NGOs and the interested public are involved in communication either by direct discussion or mostly via e-mail address which is publicly made known.

NKM SR has participated at several sessions of a seminar and presented there the Guidelines and associated activities for their implementation. NKM SR may organise other seminars or conferences if substantial interest is shown. For the time being, there are not many requests for information or explanation about the NKM SR and the Guidelines. There is close coordination with investment promotion policy of the MoE SR. Communication is going on with the Bratislava University of Economics, which is the leading business school in the country.

There have been requests from the Slovak press and public on activities of NKM SR. The form of enquiries has been written and oral.

C. Implementation in specific instances

No specific instances of operations of MNEs from or in the Slovakia have been brought to the attention of NKM SR for the time being.

D. Other

NKM SR is publicly visible and publicly accessible via telephone, fax and e-mail as well as through its website under the Ministry of Economy of Slovak Republic. Activities of the NKM SR have been so far promotional and in the area of exchange of views with main social partners.

SLOVENIA / SLOVENIE

SPAIN / ESPAGNE

A. Organisation institutionnelle

- *Où est le 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: 91 349 38 60
- fax: 91 457 28 63
- e-mail: pnacional.ssc@mcx.es

L'annexe 1 de ce rapport n'a pas été modifiée, mais à l'annexe 2 nous avons relevé (et corrigé) une erreur concernant le site web.

- *Quelle est la composition du PCN?*

Comme déjà rapporté précédemment, le PCN est un service unique du Ministère de l'Industrie, du Tourisme et du Commerce.

- *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, le Ministère du Travail et des Affaires Sociales, le Ministère de la Santé et de la Consommation et le Ministère de la Justice.

- *Comment sont impliqués les partenaires sociaux 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 à des réunions du PCN.

- *D'autres organisations telles les ONG sont-elles associées au PCN?*

Plusieurs ONG ont été convoquées à des réunions du PCN, et deux d'entre elles y assistent régulièrement.

B. Information et promotion

- *Comment les Principes directeurs ont-ils été rendus accessibles?*

Dans les rapports antérieurs il avait été annoncé que les Principes directeurs avaient été traduits à l'espagnol, qu'une page web sur le site du Secrétariat Général pour le Commerce Extérieur avait été mise en place, et que les partenaires sociaux, des ONG et les autres ministères concernés avaient été informés sur les Principes directeurs et en avaient reçu les textes en espagnol. Le PCN a aussi édité en espagnol la brochure du TUAC traduite par les syndicats.

- *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 de quatre autres ministères.

- *D'autres activités d'information et de promotion ont-elles été organisées?*

Le PCN a participé à une table ronde à l'université d'Alcalá de Henares qui portait sur « La fonction sociale des entreprises » et à une « Journée pour les PME sur la responsabilité sociale des entreprises » organisée par la Chambre de Commerce de Valence.

Le PCN assiste aux réunions du « Forum des experts en responsabilité sociale des entreprises » organisées par le Ministère du Travail et des Affaires Sociales.

Le PCN continue à intervenir dans les cours de formation des Conseillers Économiques et Commerciaux des Ambassades d'Espagne pour leur fournir des renseignements plus détaillés sur les Principes directeurs.

- *L'annexe 3 de ce questionnaire contient le Tableau 1 du Rapport du Président de la réunion 2003 des PCN (« Liens – les Principes directeurs de l'OCDE et les programmes de crédits à l'exportation, de garanties d'investissement à l'étranger et de promotion de l'investissement »). Les PCN sont priés d'actualiser ce tableau.*

Annexe inchangée.

- *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?*

Non.

Mise en oeuvre dans des circonstances spécifiques

Deux cas spécifiques ont été traités dans la période 2004-2005.

CAS SPÉCIFIQUE N° 1 :

- *Date à laquelle a été reçu le cas spécifique?*

Le 4 mai 2004.

- *Qui a soulevé ce cas spécifique (milieux d'affaires, syndicats. ONGs)?*

Le PCN a été saisi par des représentants syndicaux.

- *Quels chapitres des Principes directeurs sont cités dans ce cas spécifique? Si possible, citez aussi les recommandations comprises dans ce cas.*

Chapitre IV - Emploi et Relations professionnelles.

- *Est-ce que ce cas spécifique concerne des activités dans un pays n'adhérant pas aux Principes?*

Oui.

- *Secteur d'activité: industrie d'extraction (laquelle?); agriculture ; autres secteurs primaires ; industries de transformation (quel sous-secteur ?) ; services financiers ; distribution de détail ; transport ; autres services.*

Services financiers.

- *La saisine de ce cas a-t-elle été admise ou refusée (si possible décrivez les raisons pour lesquelles un cas n'a pas été retenu)?*

Le cas a été admis.

- *Si le cas a été accepté, date à laquelle il a été conclu.*

Le 30 juillet 2004.

- *Les résultats ont-ils été communiqués au public et dans l'affirmative par quels moyens ?*

Réunions du PCN avec les parties prenantes de 2004 et 2005.

- *Le PCN voudrait-il fournir plus d'informations au sujet de ce cas spécifique – par exemple Comment a été collectée l'information sur le cas spécifique? Est-ce que toutes les parties ont accepté la résolution ?*

Le PCN n'a jamais reçu de nouvelles communications de la partie qui a soulevé le cas.

CAS SPÉCIFIQUE N° 2 :

- *Date à laquelle a été reçu le cas spécifique?*

Le 14 décembre 2004.

- *Qui a soulevé ce cas spécifique (milieux d'affaires, syndicats. ONGs)?*

Le PCN a été saisi par des représentants syndicaux.

- *Quels chapitres des Principes directeurs sont cités dans ce cas spécifique? Si possible, citez aussi les recommandations comprises dans ce cas.*

Chapitre IV - Emploi et Relations professionnelles.

- *Est-ce que ce cas spécifique concerne des activités dans un pays n'adhérant pas aux Principes?*

Oui.

- *Secteur d'activité: industrie d'extraction (laquelle?); agriculture ; autres secteurs primaires ; industries de transformation (quel sous-secteur ?) ; services financiers ; distribution de détail ; transport ; autres services.*

Secteur des télécommunications.

- *La saisine de ce cas a-t-elle été admise ou refusée (si possible décrivez les raisons pour lesquelles un cas n'a pas été retenu)?*

Le cas a été admis.

- *Si le cas a été accepté, date à laquelle il a été conclu.*

Février 2005.

- *Les résultats ont-ils été communiqués au public et dans l'affirmative par quels moyens ?*

Réunion du PCN avec les parties prenantes de 2005.

- *Le PCN voudrait-il fournir plus d'informations au sujet de ce cas spécifique – par exemple Comment a été collectée l'information sur le cas spécifique? Est-ce que toutes les parties ont accepté la résolution ?*

Le PCN n'a plus reçu de communications de la partie qui a soulevé le cas.

L'annexe 4 a été mise à jour.

D. Divers

- *Comment les caractéristiques du PCN prévues par les Principes directeurs pour renforcer leur efficacité (visibilité, accessibilité, transparence, légitimité) ont-ils été applicables 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.

- *Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN?*

Les activités du PCN se déroulent de façon très satisfaisante grâce aux bonnes relations établies avec d'autres Ministères, les partenaires sociaux et des ONG.

SWEDEN / SUEDE

A. Institutional Arrangements

- Composition

Tripartite: government, business organisations and trade unions. The Ministry for Foreign Affairs, Department for International Trade Policy, chairs the Swedish National Contact Point (NCP) and has the ultimate responsibility for its work and its decisions.

Participants in the NCP:

Foreign Ministry:

International Trade Policy Department

Department for Global Development

International Law and Human Rights Department

Department for Global Security

Ministry of Industry, Employment and Communications

Ministry of Environment

Ministry of Justice (consumer interests)

National Board of Trade

Organisations:

Swedish Metal Workers' Union (Metall)

SIF - Swedish Union of Clerical and Technical Employees in Industry

Swedish Confederation of Professional Employees (TCO)

Swedish Trade Union Confederation (LO)

Swedish Confederation of Professional Associations (SACO)

Confederation of Swedish Enterprise (Svenskt Näringsliv)

Swedish Federation of Trade (Svensk Handel)

- The NCP relation to other government agencies

No changes since last year.

The NCP is open for participation from 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. Due to two specific instances that were raised in February 2003, a number of formal as well as informal contacts have been taken place between the NCP and NGO's.

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.

B. Information and Promotion

- The availability of the OECD Guidelines in Sweden
1. 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. This year the Swedish NCP is going to revise the handbook.

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.

2. The handbook and/or a short information note on the OECD Guidelines have been available at the seminars organised by the Swedish Partnership for Global Responsibility. Since the launch of the Partnership in March 2002, 35 seminars have been held. The seminars are attended by an average of 100 representatives from a wide range of actors, for example from the business sector, NGO's, the Government Offices and trade- unions.

- Co-operation on promotion of the OECD Guidelines
1. 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 six formal meetings between June 2004 and May 2005. 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. The NCP has also a continuous dialogue in-between meetings over e-mail.

2. 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 Prime Minister in March 2002 and is 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 is a crosscutting function within the Government Offices, based in the Ministry for Foreign Affairs but working closely with other Departments and Government Agencies. The aim is to bring clarity to the debate on CSR, highlight good examples, bring different actors and stakeholders together as well as assist individual companies.

The Secretariat carries on intensive information work on e.g. international developments in CSR, international systems of rules and conventions and practical experience and research results. The Secretariat is also organising and facilitating a wide range of activities such as counselling, in-house training, network building, seminars and workshops. 35 seminars and six workshops have been held since the launch in March 2002. The seminars and workshops highlight specific geographical or thematic issues such as Core Labour Standards, Business in Conflict, Reporting on non-financial information, Business in China, Corruption and Socially Responsible Investment. The OECD Guidelines are a very effective tool in this context.

Companies can join the Swedish Partnership for Global Responsibility by in writing expressing a will to support and strive to fulfil the OECD Guidelines and the ten principles of the Global Compact. Their co-operation is displayed by posting the company's name and a description of its work on the Government website www.ud.se/ga. 15 companies have joined the initiative Swedish Partnership for Global Responsibility: Sweco, Banco, V & S Group, Lernia, Apoteket, Akademiska Hus, ICA, Löfbergs Lila, The Body Shop, Folksam, H&M, OM AB, ITT Flygt, Vattenfall and KPA.

- 3 In collaboration with the World Bank, Sida, International Business Leaders Forum (IBLF), International Institute for Environment and Development (IIED) the Swedish Minister for Development Cooperation hosted the international conference "Development Cooperation and Corporate Social Responsibility - exploring the role of development cooperation agencies" in March 2004. Over 150 delegates attended the conference. One of the speakers was the former Chair of CIME, Mr Marinius Sikkel. The report from the conference is available on www.ud.se/ga.
4. In May 2005 the Swedish NCP is organising a Nordic NCP-meeting also inviting NCPs' from the Baltic countries. The theme is how to promote the Guidelines and how the Nordic-Baltic countries can find areas for cooperation.
 - 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:

1. 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, for example in a seminar with businessleaders from Swedish Cooperative Center.
2. Parties of the NCP are actively engaged in promoting the OECD Guidelines as a part of their regular activities. For example the Confederation of Swedish Enterprises has a prize for the best sustainability report and The Swedish Association of Graduate Engineers (CF) has initiated an environmental prize that is handed out every year. The Confederation of Swedish Enterprises organised a conference on ethics in March 2004 and at the same time was the report "The role of business in Society" launched including the importance of the OECD Guidelines.

The Swedish Federation of Trade is a private organisation 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 abroad for foreign companies. During the last year seminars of this kind have been held in 15 different countries - for example Slovenia, Hungary, Malaysia, the Philippines, Mongolia, Argentina, Pakistan, China and South Africa.

The Swedish Trade Union Confederation has been promoting the OECD Guidelines i.e. through the work within their international committee and special seminars on OECD Guidelines among their member associations. They have also organised a two day work shop in January 2005 in cooperation with TUAC for all Nordic members in European Works Council.

3. The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on bribery in accordance with their commitments in the OECD Action Statement on Bribery and Officially Supported Export Credits, and on the OECD Guidelines for Multinational Enterprises' (MNE's) and the Swedish Partnership for Global Responsibility.
4. The Swedish Minister for Trade and Industry participated in a CSR-panel in OECD Forum in May 2005.
5. The head of the Swedish Partnership for Global Responsibility held a presentation about, among other things, the Partnership at the EU Netherlands Presidency's conference on CSR in Maastricht, November 2004. He has also made several speeches and presentation for example in Belgrade in April 2005 in cooperation with the Embassy of Sweden and together with local authorities and companies. The value of the Guidelines were highlighted.
6. In November 2004 the Embassy of Sweden in Beijing arranged, in cooperation with Ministry for Foreign Affairs, local Chinese authorities and Swedish and Chinese companies a workshop on "The Business Case for CSR" in Beijing. Information on the GL was provided to the 100 participants.
7. A Swedish business delegation, headed by the Ministry for Foreign affairs, to Ghana in April 2005 promoted the OECD Guidelines among their participants.
8. Sweden has co-financed a study on Implementing CSR in Global Supply Chains - Challenges and Opportunities (Pricewaterhouse Cooper) and a report on "The Legal Profession and CSR" (IIED).
9. A meeting was held with NGOs' i June 2004 in order to inform and discuss the Guidelines.
10. The Swedish Government has an explicit policy that it should promote sound business behaviour within state-owned companies. In June 2004 was a seminar arranged as a follow up to the inquiry which was made 2003 when the Minister for Industry and Trade sent out a questionnaire to 34 out of 59 state-owned companies, asking them about their work related to the implementation of the OECD Guidelines and the principles of the UN Global Compact.
11. By informal and formal meetings, efforts have been made to raise the awareness of the Swedish Partnership for Global Responsibility and the OECD Guidelines within the Government Offices. An informal intergovernmental working-group has been set up, headed by the head of the Swedish Partnership for Global Responsibility.

- 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) No specific enquires have been received from other NCP's.

b) Many. In particular since the launch of the Swedish Partnership for Global Responsibility in March 2002 and after the two specific instances was received in February 2003. NGO's, academic institutions, media and others have contacted the NCP to learn more about the OECD Guidelines and the role of the NCP.

c) No.

C. Implementation in specific instances

No.

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 it is clear that the interest among Swedish companies, trade unions, NGO's and others are intensifying.

Whenever the chairperson of the NCP participates in seminars and conferences he 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.

- Do you wish to provide any other information on the nature and results of NCP activities, including on any difficulties encountered in carrying out the duties of the NCP?

No.

SWITZERLAND / SUISSE

1. Organisation institutionnelle

- *Où est situé le PCN ?*

Secrétariat d'État à l'économie (seco)
Secteur Investissements internationaux et entreprises multinationales
Point de contact national
Effingerstrasse 1
CH-3003 Berne

Tél. (+41) (0)31 324 08 54
Fax (+41) (0)31 325 73 76
Courriel : whin@seco.admin.ch
Internet : www.seco.admin.ch

- *Quelle est la composition du PCN ?*

Le Point de contact national suisse est assuré par le Secteur Investissements internationaux et entreprises multinationales du Secrétariat d'État à l'économie (seco).

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

Le PCN suisse est en contact régulier, formel et informel, avec les unités administratives compétentes pour les divers aspects couverts par les Principes directeurs. Lorsque des circonstances spécifiques sont soumises au PCN, un groupe de travail ad hoc est constitué, avec la participation des unités habilitées à traiter des questions soulevées.

- *Comment sont impliqués les partenaires sociaux (des milieux d'affaires et des organisations syndicales) dans le fonctionnement du PCN ? D'autres organisations telles les ONG sont-elles associées au PCN ?*

La coopération avec les partenaires sociaux et d'autres organisations intéressées a lieu autant par des contacts directs qu'en faisant appel à un « Groupe de liaison », qui se réunit si besoin est.

2. Information et promotion

- *Comment les Principes directeurs ont-ils été rendus accessibles ?*

Les Principes directeurs ont été publiés par le Gouvernement fédéral dans les trois langues officielles. De son côté, le Secrétariat d'État à l'économie les a publiés, également dans les trois langues officielles, sur son site internet. Un site spécialisé offrant de plus amples informations sur les Principes directeurs est en préparation.

- *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 ?*

En 2004-05, les contacts entre le PCN et les organisations intéressées se sont maintenus à un bon niveau. Les Principes directeurs ont de nouveau été présentés de façon détaillée lors de manifestations publiques et privées. Par exemple, le PCN a expliqué l'instrument et son fonctionnement lors d'un séminaire organisé en novembre 2004 par l'Institut de formation des syndicats suisses. Par ailleurs, les Principes directeurs ont fait l'objet de plusieurs articles de presse, sur la base d'interviews accordées par le PCN ou de contributions fournies par celui-ci.

- *D'autres activités d'information et de promotion ont-elles été organisées ?*

A l'occasion d'un certain nombre de discours prononcés par des ministres ou autres hauts représentants du Gouvernement suisse sur le thème de la responsabilité des entreprises en 2004-05, les Principes directeurs et le rôle des PCN ont été mis en exergue. Tel fut le cas lors du « World Economic Forum 2005 » à Davos et de la remise des prix suisses pour les meilleurs rapports sur le développement durable des entreprises, en février 2005.

- *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 ?*

Au cours de l'année passée, le PCN suisse n'a pas reçu de demandes d'information émanant d'autres PCN ou d'un gouvernement d'un pays n'ayant pas adhéré aux Principes directeurs. En revanche, des requêtes des milieux d'affaires, des organisations syndicales et d'autres organisations non gouvernementales, de la presse et du public continuent de parvenir assez régulièrement au PCN suisse.

C. Mise en œuvre dans des circonstances spécifiques

À plusieurs occasions en 2004-05, le PCN suisse est intervenu à des stades préalables à des circonstances spécifiques, en fournissant des informations et des explications.

Dans un cas présenté au PCN s'est posée une question de principe relative à la mise en œuvre des Principes directeurs. Elle concernait les relations de travail (Chapitre IV) dans une filiale suisse d'une entreprise multinationale suisse, situation sans lien international apparent. En juillet 2004, cette question était soumise pour interprétation au Comité de l'investissement qui, en avril 2005, a communiqué sa réponse au PCN suisse. A l'heure de la rédaction du présent rapport, le traitement de ce cas par le PCN était en cours, dans le sens des clarifications apportées par le Comité.

D. Divers

- *Comment les critères d'action des PCN prévus 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.*

Le PCN a poursuivi son travail en faveur des Principes directeurs, essentiellement à deux niveaux. Tout d'abord dans le cadre de l'action de l'État, en promouvant l'instrument de façon systématique, par exemple auprès des clients de l'Agence de crédits à l'exportation, dans le cadre des mesures de lutte contre la corruption ou dans le contexte de projets de la

coopération économique au développement qui impliquent des entreprises. Deuxièmement, le PCN adopte une approche aussi positive et constructive que possible dans tous les cas de requête d'informations, de présentations et de circonstances spécifiques.

- *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 ?*

Pas de remarque.

TURKEY / TURQUIE

A. Institutional Arrangements

- Annex 2 - The telephone numbers of the NCP have changed as follows:

90-312-2046619

90-312-2125879

B. Information and Promotion

- 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.
- In the year 2004 the NCP of Turkey asked for the help of the business organisations- that are members of BIAC, a trade union- member of TUAC and an NGO aiming at promoting ethical values in the Turkish business life in order to ensure better promotion of the Guidelines. All the parties accepted to give their full support and since then the NCP has got direct contact with all.
- During the 1 year period between June 2004-May 2005 , the NCP organised two seminars one for the FDI promotion staff for Turkey and the other as part of a larger organisation of the Management Department of a Turkish University. Also the NCP demanded the Secretariat to organise a joint-seminar in Istanbul aiming at the commercial councillors of non-adherent countries in the Region where Turkish businesspeople have a investments.

For the coming year the NCP intends to reinforce its relationship with the Universities.

- No update is necessary for the Annex 3.
- No enquiries have 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

No specific instance was received during the June 2004-2005 cycle.

D. Other

The NCP tries to guarantee the core criteria through facilitating the access of the public to all relevant documents.

UNITED KINGDOM / ROYAUME-UNI

A. Institutional Arrangements

The UK NCP is based in the Trade Negotiations and Development Unit of the Department of Trade & Industry (DTI). The full contact details are:

UK National Contact Point
 Department of Trade & Industry
 Bay 4140
 1 Victoria Street
 London SW1H 0ET

T: 020 7215 5465

F: 020 7215 2234

E: uk.ncp@dti.gsi.gov.uk

Website: <http://www.dti.gov.uk/ewt/ukncp.htm>

The NCP is composed of DTI officials.

The NCP consults with, and draws on the experience and expertise of, other government departments, for example on promotional activities. Copies of the Guidelines and the UK NCP booklet are distributed to other government departments. The NCP works particularly closely with officials responsible for corporate social responsibility in DTI, the Foreign and Commonwealth Office, and Department for International Development. The NCP also participates in the Government-wide Inter-Departmental Group on Corporate Social Responsibility. Through these contacts the NCP ensures that the Guidelines feature prominently in wider UK policy on corporate social responsibility, for example in the context of helping to prevent/restrict conflict in Africa and at the World Summit on Sustainable Development (WSSD).

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

The NCP has held meetings with the Confederation of British Industry (CBI) and Trades Union Congress (TUC), for example it has met with the CBI International Investment Panel for an exchange of views on the Guidelines with leading UK-based companies of differing sizes and from a range of sectors. The NCP also has informal contacts with these organisations. These contacts have been of great benefit, particularly in promoting the Guidelines, and the NCP will continue to develop this fruitful relationship with social partners. The NCP holds regular multi-stakeholder roundtables hosted in the DTI to discuss progress on on-going cases and agree a process which the NCP will follow in the event of further complaints. The last of these roundtables was held in October 2005, we plan to hold another shortly.

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

Again there is no formal role for NGOs or other interested parties in the functioning of the UK NCP. However, the NCP has discussed implementation issues with NGOs at meetings and through informal contacts. As with the social partners, the NCP will continue to build on this contact. NGOs are of course part of the regular stakeholder meetings.

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 readily accessible on the UK NCP webpages on the main DTI website which has direct links to the full text on the OECD site. The NCP also sends out copies of the text of the Guidelines and Commentaries (either electronically or hard copy) to enquirers on request. A hard copy of the Guidelines and Commentaries is included with the booklets that we distribute. The texts have also been deposited in the UK Parliamentary libraries.

- *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 has worked with the CBI, TUC and NGOs to publicise the existence of the Guidelines and the role of the NCP. Since the completion of the review of the Guidelines the CBI and TUC have continued to disseminate information to their members. For example, the CBI have publicised the UK NCP and its website to all their members including through an article in the CBI magazine Business Voice and through their own new CBI international website. The TUC are promoting the Guidelines in various fora inside and outside the trade union world, including WSSD. The TUC have also disseminated information about the Guidelines on their website and provided financial support for TUAC's work in promoting the Guidelines in non-adhering countries. The TUC have also published a booklet entitled Holding Multinationals To Account – Using The OECD Guidelines To Protect Workers Rights, which raises awareness and thus the profile of the Guidelines. In December 2005, the Secretary of State for Trade and Industry wrote to the FTSE 100 companies to promote the OECD Guidelines. A bound copy of the Guidelines was included with each letter.

OECD Watch also disseminates information about the Guidelines and the functioning of the NCPs. OECD Watch have a website, www.oecdwatch.org. RAID are the contact point in the UK for OECD Watch, their e-mail address is raid.oxford@ntlworld.com, but they do not have a website.

- *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 NCP has given presentations at a number of events including the Commercial Officers from British Embassies as part of their induction/refresher course (held every 6 weeks). The NCP has also had a dialogue with individual companies seeking input into their CSR strategies – this is something we are keen to build on.

The NCP gave Guidelines presentations to the Whitehall CSR Interdepartmental Group and to a group consisting of government officials, NGOs, academics and companies, as part of a public CSR consultation.

The NCP participated and at the request of the Dutch NCP host, gave a presentation at an EU CSR conference in Maastricht in November 2004. The NCP also attended an OECD anti-corruption/CSR event in Addis Ababa in March 2005.

The NCP team were represented and participated at an OECD Watch organised conference on the Guidelines in Brussels in April 2005.

UK NCP has kept its webpages updated and, since the last Annual Report, they have received an average of 940 hits per month (compared to an average of 920 hits per month the previous year). They are also used to seek views from interested parties on the Guidelines and NCP. The NCP has also received many e-mails to its dedicated e-mail account.

The UK NCP has continued to distribute its explanatory booklet aimed at providing an introduction to the Guidelines and the role of the NCP in promoting and implementing them. In addition the booklet is available electronically on the UK NCP web pages and had been downloaded 5 252 times by the end of April 2005. This booklet will be updated in the next few months.

Other promotional measures include:

- to help raise awareness among inward investors to the UK, a hyper-link with the U.K. Trade and Investment (the UK government's investment promotion agency) website together with a one-page summary of the guidelines and their relevance to inward investors;
- to help reach companies seeking overseas investment insurance from the UK government, a hyper-link with the Export Credit Guarantees Department website;
- ECGD to examine compliance against environment, employment, combating bribery and transparency chapters.
- to raise awareness amongst UK overseas investors, information and a hyper-link from the UK Trade Partners UK website;
- information on the Guidelines was available on the DTI stand at the annual CBI Conference.

The NCP has declared its willingness, on the UK NCP webpages and in the booklet, to discuss any aspects of the Guidelines or NCP's role, particularly in respect of promoting them.

- *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 regular contact with other NCPs through meetings at the OECD, supplemented by informal contacts. In particular there has been close cooperation and exchange of information with the Belgian NCP over the issue of the UN Expert Panel report on the Democratic Republic of Congo.

The UK NCP has received a number of enquiries, the majority of which have been from the business community (particularly investment funds), but the NCP has also received enquiries from NGOs, academics and members of the public and corporate lawyers.

The UK NCP gave a presentation on the Guidelines to the Human Rights training course run by the Matrix Chamber (barristers specialising in human rights law). This will be repeated in the next few months. Matrix were keen to give this presentation to the Bar Council at their annual conference at a date to be arranged.

The UK NCP has received no official enquiries from the governments of non-adhering countries but has discussed issues with a representative from the government of the Democratic Republic of Congo.

An All Party Parliamentary Group on the Great Lakes published a report on the OECD Guidelines and the Democratic Republic of Congo. An official response to this report has been delayed by the recent election but will be published shortly.

C. Implementation in specific instances

- *Have procedures been put in place to deal with specific instances?*

Outline procedures have been put in place and publicised in the booklet and in the UK NCP web pages. The UK NCP has a process flowchart which gives broad guidance and timescales and the expected progress of any case. The purpose of this flowchart is to preserve confidentiality but increase transparency of the process. It was always intended that this would be amended as best practice was established.

- *Have specific instances been brought to the attention of your National Contact Point? By whom (business, labour, NGO, other NCPs, others)?*

Yes. We currently have seven cases, one of these potentially involves other NCPs. Additionally, the NCP has been dealing with issues arising from the UN Expert Panel's report. This has led to the NCP issuing another statement in addition to the one issued last year. It is anticipated that another four Statements (two involving the UN Panel's report) will follow shortly.

- *If applicable, how did your National Contact Point assist in solving these specific instances? What was the outcome?*

On the statement, the NCP met with the company several times and studied the documentation provided by the UN. Full details of the statement are available from www.dti.gov.uk/ewt/avient.doc

- *Have any specific instances arisen in non-adhering economies? What procedures were followed by the NCP? What was the outcome?*

Yes. All cases are in non-adhering countries. We are following the U.K. Guidelines implementation procedures.

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 through, for example, presentations to interested parties, the distribution of booklets, through webpages, and inclusion in publications of other government departments. The NCP has attempted to mainstream the Guidelines into other related areas of UK CSR policy, notably with ECGD.

Accessibility: The UK NCP has widely advertised its telephone, fax and e-mail details, for example in the UK NCP booklet. The UK NCP has its own e-mail account (uk.ncp@dti.gsi.gov.uk) so that it can be accessed by those working in the NCP rather than just one individual. Our average response time is less than two working days.

Transparency: The UK NCP has provided details of its activities on its webpages, to other NCPs at OECD meetings in Paris, and in discussions with business, trade unions, NGOs and other interested parties.

Accountability: The UK NCP has kept UK Ministers and the UK Parliament informed of its activities, for example by answering Parliamentary Questions and providing copies of the UK NCP Annual Reports to Parliament and posting them on the UK NCP webpages. The NCP has always taken the opportunity to update fellow NCPs on its activities at relevant OECD meetings.

The UN Panel's report on the Democratic Republic of Congo has brought new challenges. Given the level of interest from civil society and parliament, there has been a good deal of Ministerial involvement in the process, particularly in the last year from the All Party Parliamentary Group on the Great Lakes.

- *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?*
 - (i) On the promotion side the NCP has used a variety of ways of raising business awareness of the Guidelines directly, for example by participating in CBI events and stakeholder events organised by individual companies; by promoting the Guidelines as a useful tool for investment funds to judge the commitment of companies to ethical behaviour, an important component in risk management; and by including positive references to the Guidelines in high-profile UK initiatives such as those concerning Africa. In adopting this strategy of high-level statements and practical discussions the NCP hopes to increase the use and awareness of the Guidelines.
 - (ii) Establishing where the Guidelines 'fit in' with other international and national initiatives in the burgeoning area of corporate social responsibility continues to be a challenge. The NCP has promoted the Guidelines as making a fairly unique contribution given their Government endorsement, involvement of business, trade unions and NGOs, implementation mechanism, and comprehensive nature. The NCP has also taken care, though, not to 'oversell' the Guidelines: It is important that people know what they can and cannot do. In this respect the NCP has highlighted the positive uses that the

Guidelines have such as benchmarking individual codes of conduct and facilitating dialogue, rather than the 'powers' that NCPs have in the event of an unresolved specific instance.

- (iii) When including references to the importance of the Guidelines, for example in UK initiatives on the international stage, one of the natural ideas for promoting their use is to encourage other countries to adhere to them. The link between the Guidelines and other parts of the OECD Investment Declaration, i.e. they come as a package, has proved an obstacle, because the UK NCP knows that the vast majority of non-adhering countries would not be able to adhere to the Declaration as a whole, and cannot adhere only to the Guidelines. One of the recommendations of the recent Commission for Africa was that African countries establish a National Contact Point of their own. The NCP looks forward to working with all countries involved to find a solution to this issue.
- (iv) Areas where the Guidelines could be revised to be more relevant to the 'real world' are now beginning to emerge, particularly in the areas of human rights and conflict zones. These will need to be properly discussed during any future revision but this should be in the context of increased specificity rather than expanding into new areas.

UNITED STATES / ETATS-UNIS

I. Institutional Arrangements

The United States of America National Contact Point (U.S. NCP) is located in the Bureau of Economic and Business Affairs' Office of Investment Affairs at the Department of State. The U.S. NCP regularly consults with officers of the Departments of Commerce, Treasury, and Labor, the Office of the United States Trade Representative, and the Environmental Protection Agency through an active interagency working group. The Director of the Office of Investment Affairs convenes meetings of the interagency committee to discuss Guidelines issues as needed. The State Department's Advisory Committee on International Economic Policy provides a vehicle for advice by business, labor, and civil society organizations. These organizations, international financial institutions, and other international organizations are consulted on an ad-hoc basis.

The contact information for the U.S. NCP is:

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II. Information and Promotion

The OECD Guidelines for Multinational Enterprises are available via the Department of State's internet web page for the Office of Investment Affairs: (http://www.state.gov/www/issues/economic/ifd_oia.html). The U.S. NCP website contains information on the Guidelines, key documents, and appropriate links (<http://www.state.gov/e/eb/oeecd/>). An NCP booklet is available on the U.S. NCP website. The booklet outlines the Guidelines and the role and procedures of the NCP, and is presented in a brief and easily readable format.

The Advisory Committee on International Economic Policy is the formal advisory body through which issues relating to the OECD Guidelines and the NCP are addressed with the private sector. However, officials from the relevant government agencies maintain informal contacts with representatives of business and labor groups and non-governmental organizations interested in the Guidelines.

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 corporate social responsibility, including research institutes, universities, private firms, the 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.

The Under Secretary of State for Economic, Business, and Agricultural Affairs and the Assistant Secretary for Economic and Business Affairs have addressed the OECD Guidelines in remarks for business, labor,

and financial audiences, other U.S. Government agencies, foreign diplomats, academics, and other interested civil society organizations. The Assistant Secretary of State for Economic and Business Affairs has consulted with the United States Council on International Business, representatives of major companies, and other civil society groups when there are opportunities to discuss issues related to the Guidelines. The Department of State's Bureau of Democracy, Human Rights and Labor (DRL) also promotes the OECD Guidelines when it addresses topics related to human rights, labor, and corporate responsibility.

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 Department of Commerce includes the OECD Guidelines in its training of Foreign Commercial Service officers. The NCP collaborates with the Export-Import Bank of the United States on the provision of information on the Guidelines to applicants for the Bank's financing programs in support of U.S. business activities abroad.

During the June 2004-June 2005 Annual Report period, the U.S. NCP received a number of public inquiries about the OECD Guidelines. Inquiries were received from non-governmental organizations (NGOs), legal associations, academic institutions, and individuals.

- The OECD Guidelines for Multinational Enterprises featured prominently in a March 2005 speech, "The Value of Corporate Stewardship," delivered by the Special Representative of the Department of State's Office of Commercial and Business Affairs at the Intertek Conference on Corporate Social Responsibility, New York City.
- An April 2005 speech, "The State Department and Corporate Stewardship," delivered by the Department of State's Senior Advisor for Business Outreach at Cornell University's Johnson School of Management extensively referenced the Guidelines.
- The Department of Commerce's Sixth Annual Report on Enforcement and Monitoring of the OECD Convention on Combating Bribery of Foreign Public Officials in International Transactions referred to the OECD Guidelines in the chapter on Anti-Bribery Programs and Transparency in International Organizations.
- The U.S. NCP cooperated with the U.S. Government Accountability Office on a report entitled "Federal Government Involvement in Corporate Social Responsibility".
- The Guidelines formed part of the discussion at the U.S. Chamber of Commerce's 2005 Partnership Conference on Corporate Citizenship and the Global Economy.
- The President's Export Council Fall 2004 Report on Corporate Stewardship featured a statement by United States Ambassador to the OECD Connie Morella on the importance of the Guidelines as an international benchmark for corporate responsibility.

Greater public attention to globalization and corporate responsibility has created new opportunities for the promotion of the OECD Guidelines. The U.S. NCP references the OECD Guidelines in its daily work on issues of corporate social responsibility and good governance. This is an ongoing process in economic and commercial advocacy efforts, in bilateral relations, and in our discussions with civil society groups, international financial institutions, and multilateral bodies, including the United Nations Security Council, the United Nations Conference on Trade and Development, and the G-8.

III. Implementation in specific instances

In terms of routine procedures, the U.S. NCP responds to questions about specific instances of activity in relation to the Guidelines. If an initial assessment justifies further involvement of the U.S. NCP, the NCP follows up with the interested parties, offering them the opportunity to express their views and to take advantage of the NCP's good offices. The NCP keeps each side informed of its contacts with the other, and, generally, shares documents provided by one party with the other party.

During the June 2004-2005 period, labor and non-governmental organizations raised five specific instances with respect to which they have requested U.S. NCP involvement. Each of these raised issues related to Chapter IV of the Guidelines on Employment and Industrial Relations. When added to the three other specific instances before the NCP from 2003-2004, there were a total of eight specific instances before the U.S. NCP during 2004-2005. Most of the instances raised with the U.S. NCP involved questions with respect to Chapter IV. They also involved the question of parallel proceedings in other fora, in particular the U.S. National Labor Relations Board that administers the process under U.S. law for resolving labor disputes.

In addition to Chapter IV's provisions on Employment and Industrial Relations, one request raised with the NCP this year raised issues related to Chapter II, General Policies, and Chapter VII, Consumer Interests. Another request to the U.S. NCP this year sought reconsideration of an earlier decision by the U.S. NCP that further action with respect to U.S. companies' activities in the Democratic Republic of Congo was not warranted. This request raised issues with respect to Chapters III, Disclosure, IX, Competition, and X, Taxation.

During the period from June 2004-2005, the U.S. NCP completed its preliminary assessment and decided to offer its good offices in a long-standing labor dispute, and has recommended that the parties consider mediation.

After completing its initial assessment, the U.S. NCP concluded in another specific instance under consideration in 2004-2005 that the circumstances did not warrant further involvement by the U.S. NCP. This instance, involved the provisions of Chapter IV on Employment and Industrial Relations, the issues raised related to the actions of a U.S.-owned firm in the United States. The U.S.-owned firm was acknowledged by the party raising the issue to be providing services exclusively within the United States and did not appear to be a multinational firm.

In another instance involving Chapter IV on Employment and Industrial Relations, the activities in question were taking place exclusively in another country that had adhered to the OECD Guidelines. Therefore, the U.S. NCP informed the NCP in that country and requested that it take the lead in addressing the issue.

With regard to the request that the U.S. NCP reconsider its decision with respect to US companies identified in United Nations Panel of Experts' Report on Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo, the U.S. NCP reiterated its earlier decision, but also took steps to inform the companies that there were continuing concerns being raised with respect to their earlier activities and, further agreed to review additional information provided subsequently by the party raising the issue to determine whether there was any basis for further reconsideration of its decision.

There are also two instances that have been raised with the U.S. NCP in 2004-2005 that relate to Chapter IV Employment and Industrial Relations with respect to which the U.S. NCP has not informed the parties of any decision whether or not it is appropriate for the U.S. NCP to become further involved.

In addition, there are two additional instances that remain open from 2003. One involves Chapter IV on Employment and Industrial Relations that involved direct negotiations between the union and the firm in relation to a settlement agreement to resolve issues that had been raised before the U.S. National Labor Relations Board. The U.S. NCP is still waiting for a response from the union to its inquiry about whether a settlement agreement was finalized.

The second additional instance from 2003 that remains open involves issues raised by NGOs relating to Chapters I (Concepts and Principles), II (General Policies) and V (Environment) of the Guidelines regarding the activities of an international consortium. This instance was also raised with the NCP of the home country of the managing partner of the consortium. The NCP in the home country of the managing partner has taken the lead in addressing the issue, and to date the dialogue is ongoing.

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

A. Institutional Arrangements

The European Commission is not formally a “National Contact Point” (NCP). However, it is committed to the success of the OECD Guidelines for Multinational Enterprises and the process initiated by the 2000 review. The promotion and use of the OECD Guidelines is part of Community policies on CSR and on trade.

Following reorganisation within the European Commission’s Directorate General for Trade, it is now unit G1 within DG Trade that follows the work of the OECD Investment Committee. The delegate to the Investment Committee is Ms Adeline Hinderer.

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The Commission Delegate to the Investment Committee ensures the coordination and information of all other relevant Commission Directorate Generals (DGs) (mainly DGs Enterprise, Employment and Social affairs, Development, External Relations and Environment). Reports of the Committee meetings are circulated to all DGs.

B. Information and Promotion

a) Availability of the Guidelines

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

A link to the OECD website exists on the Directorate General for Trade website, under corporate social responsibility issues: http://europa.eu.int/comm/trade/issues/global/csr/index_en.htm. Member States’ NCPs’ websites or e-mail addresses are also listed on the webpage when they are available.

b) Cooperation with relevant actors

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.)?

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 these meetings. http://trade-info.cec.eu.int/civil_soc/intro1.php. The OECD Guidelines for Multinational Enterprises were discussed at the civil society dialogue on ‘trade and social development’, that took place in March 2005.

Further to the World Commission's Report on The Social Dimension of Globalisation, the Commission has stated its readiness to strengthen the social dimension of its trade policy and to discuss cooperation in relevant areas with the ILO. The discussions between the European Commission and the ILO include reflections on how best to promote core labour and decent working standards by, among other means, using internationally agreed instruments such as the OECD Guidelines for Multinational Enterprises.

c) Publicising the Guidelines

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 Commission adopts a coherent and broad approach to CSR issues and has drawn attention to the role of the OECD Guidelines in several Communications on related topics, such as CSR, the social dimension of globalisation, conflict prevention, and sustainable development.¹

Commission officials are participating as speakers in a number of events and seminars on international investment and Corporate Social Responsibility issues, and have consistently been promoting the Guidelines, both in the EU and in developing countries.

In the EU, the main events where European Commission representatives have promoted the Guidelines include:

- The conference on CSR organised by the Dutch Presidency, November 2004, Maastricht.
- The OECD Watch Multi-Stakeholder Round Table on Putting the OECD Guidelines for MNEs into practice, April 2005, Brussels
- The European Commission conference on Responsible Competitiveness, April 2005, Brussels.

The European Commission is keen to ensure that the OECD Guidelines are also promoted in developing countries.

During the period covered, promotion was possible thanks to two regional workshops on Sustainable Development and Regional Trade Agreements, organised by the European Commission delegations, that took place in Argentina and Costa Rica in April 2005. This was an

¹ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: "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 ; Communication from the Commission to the Council and the European Parliament on "Corporate Social Responsibility: a business contribution to Sustainable Development" COM(2002) 347 final, http://europa.eu.int/comm/employment_social/soc-dial/csr/

Communication from the Commission on "Conflict prevention", COM (2001) 211 final, 11 April 2001 http://europa.eu.int/comm/external_relations/cpcm/cp.htm; Communication from the Commission to the Council and the European Parliament : "The European Union role in promoting human rights and democratisation in third countries", COM (2001) 252 final, 8 May 2001; http://europa.eu.int/comm/external_relations/human_rights/intro/index.htm; Communication from the Commission : "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; Communication from the Commission to the Council and the European Parliament : "Promoting core labour standards and improving social governance in the context of globalisation", COM (2001) 416 final, 18 July 2001 ; <http://europa.eu.int/comm/trade/>.

opportunity to explain how investment liberalisation can be supported by responsible business practices, present briefly the OECD Guidelines and explain that they have been signed by a number of non-OECD countries and are referred to in the EU-Chile agreement.

DG Trade, through its contacts with other Directorate Generals within the European Commission, also undertakes to raise awareness internally on the OECD Guidelines and their implementation mechanism. Contacts with DG Environment have led to a reflection on whether the right balance exists in specific instances, between environmental aspects and social/industrial relations aspects. DG Environment is one potential channel for information on the specific environmental provisions of the OECD Guidelines.

d) Answering enquiries

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 European Commission has received questions related to the OECD Guidelines from the business community, NGOs and the public. DG Trade has been highlighting the role and importance of the OECD Guidelines in the answers to queries it has received. The OECD Guidelines are also referred to in answers to questions from Members of the European Parliament (MEPs)².

e) Relations with Third Countries

External Trade and Cooperation relations of the EU with Third countries also encompass a CSR dimension. After the Association Agreement between the EU and Chile (2002), including a reference to the Guidelines³, we are pursuing the inclusion of CSR issues and the promotion of the OECD Guidelines in our external trade relations (for instance, in the framework of the EU-ACP Economic Partnership Agreements in the framework of the Cotonou cooperation, in discussions with Japan within the EU-Japan investment framework or with Canada on the Trade and Investment Enhancement Agreement (TIEA), etc.). We also think that public schemes that grant public funding to private sector firms can ask recipients to meet higher environmental and social standards, such as those embedded in the Guidelines. This is already the case in a number of EU Member States.

C. Implementation in specific instances

The European Commission is not a NCP and does not handle individual cases. The Commission welcomes new exchanges on specific instances as a regular agenda item of the Committee or Working Party. The Commission hopes this will help reinforce the Guidelines implementation mechanism thanks to exchanges and review among peers.

D. Other

All additional information has been included above.

² See for instance the answers to the questions P-1182/05, E-1628/04

³ A "Joint Declaration" indicates that: "The Community and its Member States and Chile jointly remind their multinational enterprises of their recommendation to observe the OECD Guidelines for Multinational Enterprises, wherever they operate."