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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 20-21 June 2006. 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

Within the Deputy Secretary of International Economic Negotiations in the Ministry of Foreign Affairs, International Trade and Worship, Ambassador Enrique J. de la Torre, who is the Director for OECD activities, has been appointed as the new National Contact Point (NCP) for the OECD Guidelines:

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Buenos Aires
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As previously reported the NCP works in close contact with other government departments, business sector, trade unions and NGOs' representatives..

B. Information and Promotion

The Guidelines have been translated into Spanish and two national NGOs have published a paperback. The two national NGO's are: *Sustentabilidad, Educación y Solidaridad* - (SES) and *Fundación Ambiente y Recursos Naturales* - (FARN). The publication contains a brief history of Argentina's adherence to the Guidelines and an evaluation of their implementation. It has also a description of the requirements to be fulfilled by those requests aiming to apply the Guidelines, an overview of the international experience in applying them, and a list of National Contact Points. Finally a list for further reading is provided.

An internal link at the web page of the Foreign Ministry has been established and will be further developed.

In the context of the Regional Seminar for Multinational Enterprises and Labor Standards held in Buenos Aires on July 7th 2005, an in-depth discussion of the Guidelines was carried out.

An ongoing relationship has been established with the above mentioned NGOs. By mid- June, a workshop for the discussion of the Guidelines is planned with the participation of representatives from the government sector, business community, labor unions and NGOs. The purpose of the workshop will be to strengthen the institutional arrangements of the NCP in order to improve its functioning.

Furthermore, the second meeting for the promotion and information of the Guidelines is scheduled for the second half of this year.

C. Implementation in Specific Instances

The NCP has followed the core criteria of visibility, accessibility, transparency and accountability described in the Guidelines. It is also studying the possibility to formalize more detailed procedures for the Guidelines application in the future.

No new specific instance was raised during the 2005/2006 cycle.

In reference to the specific instance already reported last year, the following comments are to be added:

The Argentine subsidiary of the multinational banking corporation subject to last year's claim has been sold to a new owner. No pending issues exist with the new owner.

Requests contained in the original presentation have been partially met. Nevertheless some areas of disagreement persist between the original parties of the specific instance reported last year. The final settlement is still pending.

D. Other

The effective operation of the NCP is being revised and will be the subject of a future workshop.

Visibility: The guidelines are available through the Ministry website and have been made available by NGOs working in support of the NCP.

Accessibility: The NCP has been available to all requests private or public.

Transparency: The activities of the NCP have been duly informed and are available to all interested parties.

Accountability: The NCP is accountable to the Government through the Ministry of Foreign Affairs, International Trade and Worship.

Other information on the nature of the NCP activities: The support from the Argentine NGOs has been a crucial factor in the continuity of the work of the NCP and the dissemination of the Guidelines. Further and close cooperation is expected in order to strengthen the functioning and effectiveness of the NCP activity.

AUSTRALIA / AUSTRALIE

The 2005-2006 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 focused on the examination of a specific instance and promotion of the OECD Guidelines through a more targeted approach than that of previous years..

A. Institutional Arrangements

(Annexes 1 and 2 to the Common Framework for Annual Reporting by NCPs do not require updating)

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

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

2. The FIRB is a four member non-statutory body that advises the Australian Government on foreign investment policy and its administration. Executive assistance to the Board and the NCP is provided by the Foreign Investment and Trade Policy Division of the Commonwealth Department of the Treasury. In addition to its function as a secretariat, the Division advises the Government on international investment issues.

3. The Australian NCP liaises with other government departments as necessary.

4. The Australian NCP holds community consultations with social partners such as business and trade union representatives, and other members of civil society including representatives from NGOs. 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 work programmes, and provide ideas and assistance with the promotion of the Guidelines.

5. During this reporting period the Australian NCP adopted a more targeted industry specific consultation process to promote a deeper appreciation of the Guidelines. This approach involves identifying appropriate industry sectors and organizing for relevant industry representatives to participate in the consultation.

- Although this is a time-consuming process, it is likely to be an effective way to promote a real understanding of the Guidelines..

B. Information and Promotion

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

6. The Australian NCP's main method of informing the public about the Guidelines and other OECD Investment Committee work is through the Australian NCP's website at <http://www.ausncp.gov.au>:

- This website provides a range of information including: core documents such as the text of the Guidelines; basic procedural information such as the NCP's service charter, procedures for lodging specific instances and the NCP's procedures for handling them; official OECD Investment Committee and Guidelines related documents (in a secure section for registered social partners). It also hosts other useful documents including conference papers and submissions by NGOs. An example is the recent submission from NGOs to a parliamentary inquiry on corporate responsibility.
- The Australian NCP is committed to maintaining this website.

7. In June 2005, the Australian NCP commenced an examination of a specific instance (see Section C for more information). The Australian NCP considered the successful conclusion of this specific instance to be the highest priority and accordingly concentrated resources on the specific instance until its conclusion in early April 2006. Despite this, the Australian NCP maintained a high level of commitment to the regular NCP duties including promotional efforts on the Guidelines during the reporting period.

8. The first combined business and community consultation to target a specific industry segment was conducted on Thursday 4 May 2006. This consultation focused on the Australian Textiles, Clothing and Footwear (TCF) industry, though the consultation was not limited to TCF industry participants. The consultation was attended by twenty-one participants from a diverse range of organizations including representatives from businesses, industry groups, trade unions, NGOs and other interested parties. The consultation provided an unprecedented opportunity to consider effective ways to begin the process of raising awareness and increasing understanding of the Guidelines within the TCF industry.

9. The TCF industry was chosen for the first of the targeted consultations because initial discussions with the Australian NCP's dialogue partners revealed that there is great scope for wider promotion and dissemination of the Guidelines within that industry. The consultation enabled the Australian NCP to secure future opportunities to promote the Guidelines at TCF-specific forums.

- Since the new 'targeted approach' to consultations was well received, it will be extended to other industry segments.

10. While a major aim of the consultation was to increase awareness of the Guidelines in the TCF industry, the consultation was not limited to this, and the Australian NCP also used this opportunity to address other items of interest. The consultation also included sessions on the NCP's handling of the specific instance (see Section C) and updates on other OECD Investment Committee work programmes.

11. The session on the specific instance involved the Managing Director of GSL Australia and the Spokesperson for the Complainants sharing their experience of the specific instance. The

participation of both parties in such a forum indicates a durability of the goodwill that prevailed during the specific instance examination.

- This agenda item provided for substantive discussions on the specific instance and provided interested parties with an opportunity to learn how the examination process was conducted, the outcomes agreed and the dissemination of the findings.

12. The session on work programmes of the OECD Investment Committee provided the Australian NCP with an opportunity to inform the Australian NCP's dialogue partners about major projects such as the Policy Framework for Investment, the Risk Awareness Tool for Investors in Weak Governance Zones and the 2006 OECD-China corporate social responsibility project.

13. Other activities by the Australian NCP in 2005-2006 include:

- regular interdepartmental committee meetings on bribery under the OECD Bribery Convention;
- continued efforts to promote the Guidelines through Australian embassy and consular networks. This has included briefing senior Australian officials prior to their postings as well as providing them with an information pack on the Guidelines for use at the posting;
- continued efforts to attend corporate social responsibility conferences hosted by other organizations (e.g. the bi-annual Department of Foreign Affairs and Trade and NGO Human Rights Consultations); and
- continued contact with NGOs outside the formal consultation process.

C. Implementation in Specific Instances

14. 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>.

15. In June 2005, the Australian NCP received its first submission for a specific instance since the 2000 Review of the Guidelines.

16. The submission was lodged by a consortium of five Australian and overseas non-government organisations (NGOs): the Brotherhood of St Laurence; Children Out of Detention (ChilOut); the Human Rights Council of Australia; the International Commission of Jurists (ICJ – Switzerland); and Rights & Accountability in Development (RAID – UK). This group will be referred to as the 'complainants' in this report.

17. The specific instance was raised against GSL (Australia) Pty Ltd — an Australian incorporated wholly-owned subsidiary of a UK-controlled multinational, Global Solutions Limited. The specific instance was lodged jointly with the Australian NCP and the UK NCP. Following agreement with the UK NCP in June 2005, the Australian NCP assumed full carriage for this specific instance.

18. The complainants' submission alleged that through its provision of immigration detention services to the Australian Government, GSL (Australia) Pty Ltd, had breached the Human Rights and Consumer Interests provisions (§ 2 of Chapter II and § 4 of Chapter VII respectively) of the OECD Guidelines.

19. In accordance with the Australian NCP's published procedures for handling specific instances, the Australian NCP commenced an initial assessment as to whether the issues raised warranted further consideration as a specific instance under the Guidelines.

20. The Australian NCP's fact finding included meeting separately with representatives of the Complainants and GSL Australia on 4 July 2005 in Melbourne, and a follow-up meeting with the Complainants and their nominated experts on 11 July 2005 in Sydney.

- Following the Sydney meeting, the complainants lodged a supplementary submission that focussed on GSL Australia's operations.

21. On 1 August 2005, the Australian NCP determined that it would be appropriate to accept as a specific instance those matters that relate directly to the conduct of the multinational and are within its control, that allegedly breach the Guidelines.

- The Australian NCP communicated this decision to both parties and invited them to participate in the specific instance.
- The Australian NCP also indicated that it would be inappropriate to accept those parts of the complainants' submission that sought to address the Australian Government's mandatory detention policy because the Guidelines do not provide an appropriate avenue to review a host government's domestic policy settings.

22. Following both parties' acceptance of the Australian NCP's invitation to proceed with the specific instance the Australian NCP facilitated a staged approach to progress the specific instance.

23. Before commencing this process however, the Australian NCP circulated a 'Preliminary list of issues within GSL Australia's control' to the parties (on 24 August 2005), in order to facilitate a shared understanding of the issues under consideration. An updated list, in conjunction with the parties' respective views, was then circulated on 21 October 2005.

24. After agreement was reached on the list of issues to be considered, the Australian NCP initiated an information and dialogue sharing process to ensure that both parties had a solid understanding of the issues involved and of the facts of the situation. This involved an exchange of a substantial level of written information including confidential documents such as GSL Australia's internal operational and procedural manuals.

25. Following the considerable exchange of information the Australian NCP conducted a face-to-face mediation session with both parties on 28 February 2006. At the mediation session, the parties' agreed to a total of thirty-four agreed outcomes which provides a basis for GSL Australia to continue to improve its operations. Accordingly, both parties considered that the mediation session was highly successful.

26. The Australian NCP released his 'Final Statement on the GSL Specific Instance' on 6 April 2006. A copy of the 'ANCP Final Statement for the GSL Specific Instance' (which includes the 'list of agreed outcomes' from the mediation session) is attached.

27. Highlights of this specific instance are:

- The early and deliberate establishment by the Australian NCP of rules of engagement that promoted a non-adversarial climate conducive to building trust and goodwill between the parties.
- Expediting the proceedings as much as possible, without compromising the quality of the review process or a successful resolution of the matter. The examination was successfully concluded in 8 months from the date that the specific instance was raised.
- The Australian NCP sought to reach reasonable resolutions on the issues germane to the specific instance. The mediation allowed the parties to engage openly in frank and robust discussion and consideration of potential solutions.
 - The success of the specific instance is evidenced by the list of thirty-four agreed outcomes.
 - Conducting the mediation session after a considerable exchange of information enabled the parties to adequately prepare for the face-to-face discussions thereby enhancing the value of the mediation session.
- Both parties participated in good faith and displayed goodwill towards each other. Both parties also willingly abided by confidentiality requirements during the specific process.
- Both parties agreed to represent themselves throughout the entire examination process (including in the face-to-face mediation session), i.e. without involving legal representation at

any stage. The non-legal character of this specific instance demonstrated the strength and usefulness of the Guidelines' complaint mechanism.

- Consistent with the Australian NCP's commitment to continuous improvement processes, both parties have been invited to suggest ways to improve the handling of future specific instances.
- The complainants have produced a case study on the GSL Australia specific instance for training NGOs that may be involved in future specific instances.

Specific Instances considered by NCPs to date

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

28. The GSL specific instance was the first specific instance to be raised with the Australian NCP since the 2000 review of the Guidelines. The GSL specific instance raised in June 2005 was successfully concluded in early April 2006.

D. Other

29. The examination of a specific instance during this reporting period has provided the Australian NCP with a good opportunity to demonstrate the strong commitment to the core criteria of visibility, transparency and accountability in interactions with all stakeholders.

30. Activities such as the community consultations with interested social partners, also demonstrate the Australian NCP's commitment to these core criteria.

- For example, at the 4 May 2006 Business and Community Consultation the inclusion of a session on the GSL specific instance (which involved representative speakers from both the parties) provided other attendees with the opportunity to learn through the sharing of experience. The Australian NCP utilises these consultations to update social partners on the activities of the Australian NCP as well as the work programmes of the OECD Investment Committee.

31. Other activities such as efforts to promote of the Guidelines through Australian embassy and consular networks and to foreigners investing in Australia are also good examples of how the Australian NCP has been operating in accordance with the core criteria for the operation of NCPs.

*Gerry Antioch
Australian National Contact Point
17 May 2006*

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).

Mailing address: Bundesministerium für Wirtschaft und Arbeit, Abteilung C2/5, Stubenring 1, 1011 Wien, Österreich

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 20 October 2005 and 16 May 2006). 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 3 specific instances in the period under review, none of them being closed until now. Two cases were introduced by an enterprise, one case by a trade union. All three cases involved business activities in non-adhering countries.

Both cases introduced by the enterprise involved a variety of chapters of the Guidelines and concerned trading in raw materials. One case is pending for one and a half year, due to a multitude of necessary procedural steps, including contacts with 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 a hearing with the complainant, mediation efforts, and investigative measures. The other case was just recently brought before the NCP.

The case introduced by the trade union concerned the textile industry and was also just recently brought before the NCP.

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 économie, PME, Classes moyennes & Energie
Direction Générale Potentiel économique
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e-mail : colette.vanstraelen@mineco.fgov.be

- 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 composition du PCN permet d'assurer une très large diffusion des activités promotionnelles des directives OCDE. Le PCN n'a, en 2005, mis sur pied aucune initiative importante, mais ses membres ont participé à diverses manifestations tant au niveau des entreprises qu'au niveau académique.

La Belgique estime que la manière la plus efficace de travailler est d'être présent à de nombreux forums et d'attirer l'attention d'un public très varié sur les directives et sur les travaux de l'OCDE en la matière. L'information diffusée lors de l'introduction et du traitement de dossiers spécifiques, pour lesquels des données sur le fond du problème sont publiées, joue aussi un certain rôle.

Quant à notre site internet, il a démarré fin de l'année dernière, après quelques problèmes techniques, il va également favoriser la transmission d'informations.

Le PCN a participé activement à l'élaboration d'un cadre de référence pour permettre aux entreprises de fonctionner dans le respect des lois sociales. La discussion lancée fin 2004 a été menée intensivement durant toute l'année 2005, les directives de l'OCDE ayant servi avec d'autres éléments de source d'inspiration. De nombreuses réunions ont été organisées avec un large public afin d'augmenter encore la diffusion des principes directeurs.

En ce qui concerne la transparence au sein du PCN comme vers l'extérieur, une réunion du PCN a été consacrée cette problématique. Le PCN veut travailler avec une transparence maximale en accordant une grande importance à l'accessibilité tout en veillant, cependant à l'image de marque de la Belgique et de ses entreprises à l'étranger. C'est dans cet esprit de transparence et d'accessibilité qu'a été mis en œuvre le site web propre du PCN belge. Ce site web a également un espace propre sur le site web du Service public fédéral « Economie ».

C. Mise en oeuvre dans des circonstances spécifiques

En 2005, le PCN a traité plusieurs dossiers introduits dans le second semestre 2004.

A la lumière de certaines discussions sur ces dossiers, le PCN a soumis au Ministre de l'Economie, un règlement actualisé d'ordre intérieur afin de rendre plus flexible et mieux prévisible le fonctionnement de ses activités.

D'une manière générale, il ressort de contacts tant avec les entreprises, les syndicats qu'avec les ONG que notre procédure - surtout basée sur le dialogue entre tous les intervenants - est appréciée. En organisant une rencontre entre les parties et les membres du PCN, celui-ci veut jouer, d'abord et avant tout, un rôle de médiateur permettant aux parties d'échanger leurs arguments et commentaires devant les membres du PCN.

Ceux-ci peuvent ainsi directement demander les éclaircissements souhaités. L'objectif premier est donc de rechercher un dialogue le plus serein possible. Le PCN ne nie pas que tous les points soulevés se traitent sans difficulté mais des résultats positifs sont enregistrés pour une grande majorité des ces points. En nous réunissant avec les acteurs concernés, nous créons donc un climat positif qui permet d'approfondir des arguments, de clarifier leurs motivations et de comprendre la raison de leurs actions.

Le fait que, dans certains cas, les parties se rencontrent une deuxième fois en présence des membres du PCN rend le dialogue encore plus constructif.

Même si certains problèmes ou dossiers ne peuvent pas être résolus pour des raisons souvent indépendantes de la volonté des deux parties, ces contacts amènent les membres du PCN mais aussi les ONG à approfondir l'examen des dossiers, ce qui ne peut être que profitable aux activités du PCN.

Si l'approche est appréciée par les différentes parties, cela n'implique pas que ces dernières soient toujours satisfaites du déroulement des dossiers. Il n'en demeure pas moins que le PCN ne sera fort que si les membres de celui-ci mettent en commun les informations dont ils disposent. Est-ce que cela ne devrait pas être un point de discussion entre les PCN ?.

En 2005, le PCN s'est principalement penché sur trois dossiers. Un dossier relatif à la RDCongo, qui a nécessité que les parties se rencontrent trois fois en présence du PCN, s'est clos par un communiqué de presse.

A la mi-2005, un dossier urgent concernant le Sri Lanka a été introduit. Les deux parties ont été invitées à se réunir avec les membres du PCN début septembre. Momentanément, aucune solution n'a encore été trouvée, mais le PCN recherche, par le biais de procédures novatrices, à éclaircir le débat d'où la proposition de mettre à disposition un « facilitateur ».

Enfin, un dossier relatif à la RDCongo a été déclaré non recevable, notamment en raison que les faits s'étaient étalés sur l'année 2000 et que les procédures mises en place dans le cadre de la Convention de Kimberley en 2002 semblent avoir mis fin aux types de pratiques dénoncées

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 sociétale des entreprises en Belgique.
- Aucun cas relatif à des entreprises exerçant leur activité en Belgique n'a été soulevé depuis 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**

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

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

Since the NCP in Brazil is composed by several ministries it has a widespread representation among government entities. If any specific case demands further representation of any other public institution, the NCP is authorized to invite it to join the meetings. The invitation can even be extended to join the NCP group on a permanent basis, since the Brazilian National Decree which stipulates the composition of the NCP allows other government bodies to join the group.

Despite the pervasive representation within the public sector, the NCP still lacks formal representation channels among civil society entities. This gap is partly offset by the intense activity of some NGO's and labour unions with good communication with the government. Nevertheless, several social representatives that are less vocal are rather underrepresented in their claims towards the NCP.

Therefore, one of the NCP's challenges is to establish formal communication channels with all relevant social actors. The NCP has worked on the implementation of an Advisory Committee to cooperate with it in establishing strategies, proposing measures and activities to effectively promote the implementation of the Guidelines in Brazil. One other initiative sought by the newly appointed coordinator is the establishment of regular mailing lists classified according to topics, whereby the respective relevant actors on one particular issue could be immediately consulted whenever needed. Even though this rather informal channel does not substitute formal ones, it has the advantage of being expeditious, open to immediate membership and immune to bureaucratic impediments.

The responsible officer for coordinating the activities of the Brazilian NCP has changed in May 2006. Unfortunately, the previous officer had to leave office and five months passed until a new coordinator with an adequate professional profile was formally appointed. This long period significantly affected the usual activities of the group. However, the new coordinator is a regular member of the Senior Executive Career, and, therefore, is expected to stay in office for a long period, independently of cabinet reshuffles. A coordinator with a long tenure is essential to confer continuity and long lasting consistency to the NCP's activities.

Regarding the functioning of the meetings of the NCP group and the routine of its activities, an internal resolution about the regular procedures of the group is being discussed. The idea is to formally approve a document to guide the work of the NCP. Particular attention is driven to the actions to be taken while receiving a complaint. Once the document is approved it should be sent to all interested parties and posted on the website in order to enhance transparency and predictability of the NCP's work, and also to confer guidance to possible future complaints. Within this effort, the coordinator also intends to elaborate a "model of complaints presented to

the NCP”, showing exactly what are the important elements that the group takes into account while analysing a complaint. This action could partly remedy one of the most recurrent problems of the cases presented to the Brazilian NCP: the lack of focus.

Finally, one last important initiative is to particularly disseminate the OECD guidelines within multinationals to entice them to operate more accordingly with its dispositions. Most multinationals in Brazil ignore the existence of the OECD guidelines. The disclosure of information related to the topic among parties affected by formal offences to the guidelines is much more intense if compared to those potentially responsible for them, i.e., the multinationals. This occurs because NGO’s and trade unions help to divulge the topic among the possible complainants while the dissemination work directed towards multinationals rests uniquely dependent upon the NCP. It is therefore essential that most of the dissemination work be focused on multinationals to enhance the visibility of the guidelines among the business community, possibly preventing future complaints due to their increased understanding and assimilation of the document. Once a case is formally filed there is also an essential work of conciliation to be undertaken. NGO’s and workers have revealed to the Brazilian NCP that it is crucial to count on a forum for resolution of conflicts with multinationals, since the mediation channels are reduced in Brazil and the sole existence of an effective NCP increases the chances of encountering a solution.

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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 coordination of all activities related to the cooperation between the OECD and Brazil.

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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 of the Ministry of Finance (www.fazenda.gov.br/multinacionaispcn). The website also contains a link to the OECD homepage and to other important multilateral and bilateral agencies, Workers Union Confederations, Companies Union, Science and Technology institutions, Industry and Trade Confederations, Chambers of Commerce and Industry, Consumer Protection agencies, etc.

Because of the mentioned transition period until appointment of a new coordinator, the NCP's webpage is significantly outdated. One of the priorities of the new coordinator is to reformulate the webpage inserting current and useful information to the users. The following actions are envisaged for this specific purpose:

- 1) the NCP's webpage is a link inserted inside the Ministry of Finance's website. The link is established as "NCP", which is an acronym normally ignored by visitors. We intend to post the following link, instead: "Corporate Social Responsibility – OECD Guidelines for Multinational Enterprises". We believe that by doing this, the appeal of the issue will be instantly enhanced since the main idea of the webpage is to disseminate the OECD guidelines.
- 2) Inside the webpage we plan to post upfront answers to simple questions that immediately explain the content and importance of the OECD guidelines, such as: "What are the Guidelines for multinational enterprises?", "What is the NCP?", "How to forward complaints to the NCP?".
- 3) Aiming at solving the problem of lack of focus of the cases presented to the NCP and within the didactic scope of the NCP's actions, we wish to elaborate a form to be completed by possible complainants with simple questions such as: your complaint is in which area: environment, labour, consumer protection (after answering this question the respective dispositions in that specific area would be immediately showed to the visitor)? From the dispositions listed above, which one applies to your complaint? What is exactly your complaint? Have you presented your complaint elsewhere? Where exactly? What has been the outcome? What proofs do you have of the offence to the abovementioned dispositions? After filling in the form the potential complainant would click on the option "send" and his answers would be sent to the NCP. The NCP would then electronically answer him if the case could be understood as a violation of the guidelines and would instruct him how to proceed in that specific case.
- 4) Once a party decides that it should proceed to a formal complaint it could access the "model of complaints presented to the NCP" posted on the website, print it out, and send it to the NCP.
- 5) An option to join to the official NCP mailing list, cited above, should be available on the NCP website. The potential adherent could have the option to join the mailing list by topic (environmental issues, labour issues, for example) or to join the general mailing list, or even both.

Apart from that, we are working together with some NGO's and other entities to participate in seminars and conferences for promoting and disseminating the Guidelines. In a meeting at the Ministry of Finance with NGO's, labour unions and research institutes the NCP was invited to

participate in a seminar to be organized by them next August. The NCP hopes to contribute positively in the event, and looks especially forward to clarify doubts and misunderstandings about the guidelines.

C. Implementation in specific instances

Since the newly appointed coordinator took office, last month, one formal complaint has been presented and another one has been sent by e-mail on an informal basis to consult the NCP about the plausibility of the complaint. The NCP has instructed the complainant as how to proceed and the case is on its way. These two cases are summarized below:

1. Company: Shell Brazil Holding B.V.

Complainant: Coletivo Alternativa Verde – CAVE, a NGO acting on environmental issues, and Labor Union of Petroleum By-Products Workers in the State of São Paulo.

Complaint: The Company has not taken appropriate safety measures to prevent workers from incurring in health problems.

Norm: Chapter V, article 1 – “Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development. In particular, enterprises should: 1. Establish and maintain a system of environmental management appropriate to the enterprise, including: a) Collection and evaluation of adequate and timely information regarding the environmental, health, and safety impacts of their activities; b) Establishment of measurable objectives and, where appropriate, targets for improved environmental performance, including periodically reviewing the continuing relevance of these objectives; and c) Regular monitoring and verification of progress toward environmental, health, and safety objectives or targets. **Chapter V, article 3** - Assess, and address in decision-making, the foreseeable environmental, health, and safety-related impacts associated with the processes, goods and services of the enterprise over their full life cycle. Where these proposed activities may have significant environmental, health, or safety impacts, and where they are subject to a decision of a competent authority, prepare an appropriate environmental impact assessment.

Date that specific instance was received: May 8th, 2006.

Sector of activity: Distribution of petrol and its derivatives.

Present Situation: The case will be analysed in the next NCP meeting on May, 23rd 2006.

2. Company: General Motors do Brasil

Complainant: Associação Nacional de Consumidores e Vítimas das Empresas Montadoras e Concessionárias Automotivas (ANVEMCA) – National Association of the Consumers and Victims of Automobiles Manufacturers.

Complaint: The Car manufacturing industry is not providing the necessary security measures to prevent car accidents and is not adequately promoting recall policies and informing the users about the risks.

Norm: Chapter III, article 3 (e) – “Enterprises should also disclose material information on Material foreseeable risk factors”. **Chapter V, article 1(a) and 1(c)** - Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development. In particular, enterprises should: Establish and maintain a system of environmental management appropriate to the enterprise, including: a) Collection and evaluation of adequate and timely information regarding the environmental, health, and safety impacts of their activities (...) c) Regular monitoring and verification of progress toward environmental, health, and safety objectives or targets. **Chapter V, articles 2 (a) and 2 (b)** – “Taking into account concerns about cost, business confidentiality, and the protection of intellectual property rights: a) Provide the public and employees with adequate and timely information on the potential environment, health and safety impacts of the activities of the enterprise, which could include reporting on progress in improving environmental performance; and b) Engage in adequate and timely communication and consultation with the communities directly affected by the environmental, health and safety policies of the enterprise and by their implementation. Chapter V, article 5 - Maintain contingency plans for preventing, mitigating, and controlling serious environmental and health damage from their operations, including accidents and emergencies; and mechanisms for immediate reporting to the competent authorities.

Sector of Activity: car manufacturing.

Present situation: the case will be formally presented to the Brazilian NCP.

Apart from these two complaints, all other cases cited in the last report are pending an official position of the NCP. The new coordinator decided to contact all relevant actors involved in the cases to gather the latest upcomings before issuing an official position of the NCP. The pending cases are the following:

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 SINGRA Syndicate as the legitimate representative of the workers. The Sindicato dos Metalúrgicos de Porto Alegre (Metal Workers Syndicate) is the one Syndicate that 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

Present Situation: No Syndicate was legally recognized as a legitimate representative of the Gravataí workers. The SINGRA (Sindicato de Gravataí) created in 1998 had its registration license suspended by the Court of Justice. The Sindicato dos Metalúrgicos de Porto Alegre, which submitted the complaint, was forbidden by the Court of operating in Gravataí. Besides these two Syndicates, there is the Associação dos Trabalhadores das Indústrias Metalúrgicas de Gravataí, created in 1986. The newly appointed coordinated is contacting the Courts of Justice to see what has been decided with respect to the dispute between the entities.

2. 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 the Government.

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.

Present Situation: the request received on November 2003, was analyzed by 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. In March, 2005, NCP Brazil received information from the Union Confederation of Workers

(CUT) outlining that there was no possible negotiation in the short run. NCP Brazil contacted Unilever representative and received information that: 14, out of 150 workers involved in the process of transfer of the Vinhedo factory to Ipojuca (Pernambuco State), 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 means there are still 43 workers that have not reached a solution in the case of the Vinhedo transfer.

3. Company: Consortium responsible for the construction of Barra Grande Dam

Complainant: several NGO's and associations of affected populations.

Complaint: The complainants alleged that the functioning of the dam would dislodge families in the surrounding areas and would destroy native vegetation, **especially** a plant that only grew in that specific place.

Present situation: In May 2005, NCP Brazil had a meeting with a representative of the NGO Terra de Direitos to discuss problems concerning the operation of the dam. When the complaint was sent to the NCP the dam had already been built but was not yet functioning. The complainants alleged that the functioning of the dam would dislodge families in the surrounding areas and would destroy the local vegetation, especially a plant that only grew in that specific place. When the consortium responsible for the construction of the dam started the project it acquired an environmental license that further revealed some technical inconsistencies, which were even questioned in court. A social movement composed by the population dislodged by the construction of the dam required compensation in form of land donation. In this context, new populations aware of the future compensation started occupying the area expecting this future gain. Because of all these problems the Brazilian government together with public prosecutors entered into an agreement with all the affected parties and the consortium. In March 2006 the Alcoa company, one of the enterprises of the consortium, contacted the Brazilian NCP alleging that a NGO had posted in its website a complaint against the company regarding the construction of the Barra Grande Dam. The NCP concluded that since an agreement had been made and the dam was functioning it couldn't further act in this case.

D. Other

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 recognize that most of the work concerning the divulgation to make the guidelines in Brazil effectively has been carried on by Workers Union Confederations, Companies Union and NGO's. NCP Brazil is fully aware of the importance of the Guidelines and the need of establishing a more functional and organizational structure.

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 2005 - June 2006).

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.

2005 Parliamentary Report on Corporate Social Responsibility

In June 2005, the Subcommittee on Human Rights and Development of the Standing Committee on Foreign Affairs and International Trade (SCFAIT) submitted a report to Parliament entitled *Mining in Developing Countries and Corporate Social Responsibility*. The report emphasized that a greater role for government is warranted to ensure that Canadian companies have the necessary knowledge, support and incentives to conduct activities abroad in a socially and environmentally responsible manner. Two of the report's ten recommendations referred to the Canadian NCP and the OECD Guidelines. The first recommendation relating to the NCP called on the government to "clarify, formalize and strengthen the rules and the mandate of the Canadian NCP and increase the resources available to the NCP to enable it to respond to complaints promptly, to undertake proper investigations, and to recommend appropriate measures against companies found to be acting in violation of the OECD Guidelines." The second

recommendation called on the government to “work with like-minded countries to strengthen the OECD Guidelines, first by clearly defining the responsibilities of MNEs with regard to human rights, second by making compliance with international human rights standards obligatory, and third, by working toward establishing common rules of evidence.”

The NCP actively participated in the drafting of the Government of Canada response to the SCFAIT report which was tabled October 17th, 2005. In response to the first recommendation on the mandate of the NCP, the Government of Canada made clear that it expects Canadian companies operating abroad to abide by the laws and policies of the countries in which they operate, while host governments are responsible for monitoring compliance with local laws. The response also indicated that it is clear that the drafters of the OECD Guidelines did not intend the NCP to play an investigative or quasi-judicial role in settling disputes. Rather, the intention was to establish an NCP-led process to facilitate a positive and constructive dialogue between multinational enterprises and those affected by their operations with a view to finding solutions to problems. Finally, the Government of Canada agreed that more can be done in Canada to strengthen the implementation of the OECD Guidelines for MNEs and indicated that strategies under consideration include establishing a mechanism to consult more formally with stakeholders, more systematic and frequent promotion of the Guidelines with the business community, and clarifying the rules and mandate of the NCP.

In response to the second recommendation, the government agreed that while it is necessary to clarify the responsibilities of MNEs with regard to human rights, in its view the OECD is not the best place for such clarification to take place. The government, in collaboration with like-minded countries, will however encourage the OECD to closely monitor and contribute to the work of John Ruggie, the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, and where possible, incorporate emerging conclusions into the ongoing work of the Investment Committee. The response then went on to emphasize that the Guidelines offer an important vehicle to influence corporate conduct as it relates to human rights, and can be used more effectively in this regard. They can be used as a tool to engage companies and NGOs on human rights issues and in identifying best practices, especially in countries where the human rights protections of host governments are weak. The NCP can offer a forum for dialogue between companies and stakeholders. Furthermore, regular NCP meetings offer an important opportunity for NCPs to share best practices and engage in peer learning with respect to how human rights issues can best be handled within the existing framework of the Guidelines. Finally, the Government did not agree with the Committee's recommendation that the human rights aspects of the Guidelines should be made obligatory and that NCPs should work toward establishing common rules of evidence as any movement toward making the Guidelines binding or more legalistic in nature would be contrary to the original intent of the drafters.

The Government is currently organizing a series of National Roundtables on CSR and the Canadian Extractive sector in developing countries over the course of 2006 to further examine issues related to CSR and the OECD Guidelines. Representatives of Canada's National Contact Point are providing input into the development of these Roundtables and will participate in the events.

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 Department of Foreign Affairs and International Trade, Industry Canada, Human Resources and Social Development Canada, 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 Foreign Affairs and 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. 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 NCP is currently in the process of updating the Canadian NCP website to increase transparency regarding the submissions received and the implementation of specific instances..

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 the Canadian industry share an interest in maintaining a positive image of Canada in this sector, and ensuring that Canadian businesses contribute positively to the broader social and environmental objectives of the communities in which they operate. Promoting the Guidelines in this sector is a concrete way for the Government to engage Canadian companies in supporting these objectives

As previously mentioned the Canadian NCP is providing input into the development of the "Canadian National Roundtables on CSR and the Canadian Extractive Sector in Developing Countries" which will be taking place over the course of 2006.

The NCP has also been providing support and advice on the OECD Guidelines and to the Canadian Government Working Group on the Democratic Republic of Congo in their development of a strategy on corporate social responsibility (CSR) in the mining sector.

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 to both Canadian and local business audiences, and ensure that host governments are aware of their CSR initiatives.

In February 2006, the Canadian Embassy in Ghana held a CSR Seminar in Accra. The seminar, which drew over 40 participants, focused on CSR in the mining sector -- the largest sector for Canadian investment in Ghana.

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 last 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 are being pursued to help meet these commitments. Industry Canada is currently developing its new Sustainable Development Strategy and is examining new commitments that will improve its approach to promoting CSR.

Environment Canada is actively collaborating with the private sector, academics, non-governmental organizations 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.

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 Department of Foreign Affairs and International Trade provides 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 and 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, development 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 comprised of officials working in private sector development and governance. The Guidelines are also being mainstreamed in work on conflict prevention and on 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 or foreign enterprises in developing countries with a view to supporting a positive contribution by the private sector to poverty reduction.

The Labour Program of Human Resources and Social Development Canada is a member of the Canadian NCP with particular interest and expertise with respect to the labour principles. The Program manages Canada's participation in the International Labour Organisation (ILO) and promotes respect for the ILO Declaration on Fundamental Principles and Rights at Work which embodies the following fundamental principles and rights: freedom of association and effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation. These principles are part of the OECD Guidelines and are also included in the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. Finally, the Program promotes labour rights through the negotiation of labour agreements with Canada's Free Trade Agreement partners.

Inquiries

A number of inquiries about the Guidelines were received by the NCP in the past year. Inquiries received via e-mail are often from think-tanks and academic institutions looking for information on Canada's experiences with the Guidelines. Other inquiries come through meetings with businesses or NGOs. 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 Standing Committee on Foreign Affairs and International Trade report on Mining in Developing Countries and Corporate Social Responsibility and the Government of Canada response to the report. As well, the Guidelines are occasionally raised in the public's correspondence with Ministers.

Submissions

- a) 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. The mission was informed that a process was being undertaken by an office of the Department of Labour to get the company and the local union to sign a Memorandum of Understanding with the agreed final decisions/settlements, in order to resolve this matter. In light of this local process underway, and the fact that the union workers returned to work, the NCP decided that it would be inappropriate for Canada's NCP to seek the participation of the parties in a dialogue in an alternative forum. The NCP sent a letter to both parties in November 2005 informing them of the NCP decision.

- b) In August 2005 the NCP received letters from a coalition of NGOs requesting that the NCP investigate the operations of a Canadian company in a non-adhering country. The NCP sent a reply letter to each of the NGOs informing them that the NCP's primary function is to play a facilitative or mediating role in resolving problems and not carry out investigations. We also relayed that that NCP had informed the company of the communications the NCP had received from Canadian NGOs and that the company expressed a willingness and interest in meeting with these NGOs to discuss their operations in the non-adhering country. In November 2005 the NCP facilitated a meeting between the company and interested NGOs to provide parties with an opportunity to present their points of view and to objectively discuss the issues at hand in a non-confrontational forum. Following the meeting, the NCP offered to host a follow-up meeting between the company and the NGOs, but the NGOs felt that this would not be necessary since there was now adequate contact between the company and their groups.

C. Implementation in Specific Instances

- a) 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. Following intradepartmental and interdepartmental consultation, including close contact with the Canadian Mission in the non-adhering country, the NCP

determined that the submission was relevant to the Guidelines and decided to seek agreement from company and the NGOs to participate in an NCP facilitated dialogue on the issues raised in the submission which are relevant to the Guidelines. In the Fall of 2005, following discussions with the NCP, both parties agreed to participate in the dialogue at the end of January 2006. In early January 2006 the NGOs pulled out of the process in disagreement over the set terms of reference for the meeting, specifically the need to maintain “confidentiality”. In response to this action the NCP sent the NGOs and the company letters in February 2006 indicating that the NCP remains open and willing to facilitate a dialogue consistent with the Guidelines should the NGOs wish to reconsider their decision. Furthermore, the NCP encouraged the company to continue to independently pursue ongoing dialogue with communities affected by their operations with a view to resolving outstanding issues. Finally, in line with the Government of Canada’s expectation that Canadian companies observe the OECD Guidelines for MNEs in their operations abroad and operate transparently and in full consultation with the host government and local community, the Canadian NCP indicated an intention to maintain an interest in the company’s operations and to keep up to relevant developments related to the company’s community development plan and Environmental Impact Assessment work.

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.

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 2005 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 périodiques 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 périodiques 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 2005 le PNC et la Centrale Unitaire de Travailleurs du Chili (CUT) ont organisé une Rencontre Syndicale sur les Codes de Conduite et la Responsabilité Social des Entreprises. Cet événement a permis d’entamer un dialogue, sur le thème, avec la principale

organisation des Entrepreneurs du pays, la Confédération de la Production et du Commerce.(CPC).

Le mois de novembre 2005 est terminé le traitement du cas UNILEVER qui a été présenté devant le PNC par la Centrale Unitaire de Travailleurs. Le Rapport Final concernant ce cas a été publié par le PNC , par la CUT et par diverses ONGs chiliennes et d'autres pays. Les commentaires ont été très favorables sur la façon de traiter et de résoudre cette plainte.

- *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?*

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.*

L' une en Août du 2002: MARINE HARVEST.

L'autre en Juin 2005 :UNILEVER

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

2 ONGs: l'une hollandaise et l'autre chilienne dans le cas de Marine Harvest.

La Centrale Unitaire de Travailleurs (CUT) dans le cas de Unilever.

- *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: Emploi 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.

Concernant Marine Harvest :l'industrie Acucicole est productrice de saumon

Concernant Unilever : elle est productrice de dentifrices, des détergents et des produits alimentaires.

- *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 : Marine Harvest.

Novembre 2005: Unilever

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. Dans les deux cas 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. Jana Hendrichova, Director General of the EU and International Relations Department. Below are the relevant co-ordinates.

EU and International Relations Department
Ministry of Finance
Letenská 15
118 10 Prague
Czech Republic

tel. +420 2 5704 2279

fax: +420 2 5704 2281

e- mail address: Jana.Hendrichova@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 Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of 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 Ministry of Finance of the Czech Republic will organise a workshop on Corporate Social Responsibility and Guidelines in a broader context until July 2006.

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 instances have not yet been submitted to the Czech NCP during the June 2005 – June 2006 period. Two specific instances mentioned in the last report as under consideration are closed. In the instance of a retail chain store an agreement was reached and union contract was signed.

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, employers unions, concerned ministries and central authorities. The NCP also invites concerned employees or employers for so-called wider negotiations. Within these negotiations, it discusses problems with concerned parties, and offers a mediation, which could help to solve problems; 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 and that the Danish Ministry of the Environment has replaced the Environmental Protection Agency (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 Ministry of the Environment
 - 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. Accordingly, The Danish Forest and Nature Agency is seconding the Danish Contact Point with regard to the specific instance submitted in March 2006 by Nepenthes.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- 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*.

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.

- A member of the Secretariat of the Danish Contact Point guest lectured about the *Guidelines* and the Danish Contact Point at the University of Copenhagen (the course in International Labour Law). Cooperation with the university in this regard is expected to continue in the future.
- 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 March 2006 a specific instance was brought before the Danish Contact Point by Nepenthes, an NGO concerned with protection of forests around the world. This specific instance, involving a Danish company trading in timber and wood products, covers several chapters of the *Guidelines* and relates to the logging and trading of hardwood in Burma, Comeroon, Liberia and Brazil.
- At a meeting on 25 April 2006 the Danish Contact Point initially assessed the specific instance and concluded that it should be reviewed by the Danish Contact Point. It was decided, however, to consult the Brazilian Contact Point on how to proceed with regard to the part of the specific instance involving Brazil.
- No other specific instances have been brought before the Danish Contact Point in the June 2005-2006 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

Ministry of Economic Affairs and Communications of the Republic of Estonia

Harju 11

15072 Tallinn

Estonia

phone: +3726256399

fax: +3726313660

e-mail: hellehelena.puusepp@mkm.ee

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.

The declaration is being used as a benchmarking tool to study the CSR situation and past developments among Estonian enterprises in May 2006. The study is carried out by the Estonian Chamber of Commerce and Industry. The results will become available in the fall of 2006 and be shared during the next NCP's annual meeting in 2007.

The cooperation with the Estonian Corporate Responsibility Forum, a non-profit project, has added depth to the NCP efforts, resulting, among others, in their active preparation and participation at the Nordic-Baltic NCP's meeting in June, Tallinn.

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, involving the Government, business, trade organizations and non-governmental organizations operating in connection with the Ministry of Trade and Industry.

The Finnish NCP MONIKA is by the Government decree issued on the Committee, a cooperative body of the government, business life and other actors, which will promote corporate responsibility in Finland within the framework of a governmental 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

- 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

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.

This strategy has four strands:

- Promote activities that bring economic, social and environmental benefits;
- Work in partnership with the private sector, community bodies, unions, consumers and other stakeholders;
- Encourage innovative approaches and good practice;
- Encourage awareness, trust and healthy public dialogue.
- The *Corporate Responsibility Finland* programme aims to:
 - Support international CSR;
 - Focus on making CSR part of organisations' core operations;
 - Assist small and medium sized enterprises (SMEs);
 - Raise the profile of CSR, for example by encouraging more CSR reporting; and
 - Promote greater transparency and clearer guidance on CSR reporting.
- Meetings were organized specifically to discuss the following topics laid down in the Corporate Responsibility Finland Programme:
 - ISO initiative 'Guidance on Social Responsibility'

- OECD Guidelines, Global Compact and GRI and their progress in Finland in order to provide an overall picture of international guidelines and initiatives concerning corporate social responsibility and of the public promotion of corporate social responsibility reporting and other forms of corporate governance
- CSR principles stocktaking in Finnish public procurements.

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 Congress on October 11 2005 in Helsinki focusing on CSR investment, rating and indexes, produced by Helsinki University of Technology Lifelong Learning Institute Dipoli and Finnish Business & Society network.
- A Seminar organised by the Finnish NCP on Responsible Competitiveness was held on May 4 2006 focusing on the OECD Guidelines, Policy Framework for Investment and OECD Risk Awareness Tool and other global CSR principles with best practice business examples. In this seminar Responsible Competitiveness Index (an investigation of the relationship between corporate responsibility and competitiveness. It reveals which countries are achieving sustainable economic growth based on responsible business practices) and the National Corporate Responsibility Index (the world's first assessment of the state of corporate responsibility internationally. The index assesses over 80 countries on criteria including corruption, civic freedom, corporate governance and environmental management to establish a global ranking) were presented by AccountAbility, London.

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

Specific Instance Complaint regarding Botnia's construction of a Pulp Papermill Factor in Uruguay was raised in April 2006 by the Center for Human Rights and Environment (CEDHA) of Argentina. This Specific Instance has not yet been concluded (June 2006).

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

- Le PCN fonctionne selon une structure tripartite rassemblant les principales organisations syndicales (CFDT, CGT, CGT-FO, CFE-CGC, UNSA), une organisation patronale (MEDEF) et l'administration (ministères de l'économie des finances et de l'industrie, des affaires étrangères, de l'écologie et du développement durable, 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 est Président du PCN depuis l'hiver 2004.

- Le PCN se met en rapport avec d'autres agences gouvernementales ou avec toute autre entité quand la circonstance spécifique qu'il doit traiter nécessite qu'un expert fasse part de son point de vue aux membres du PCN de façon à les éclairer sur des points précis soulevés dans la saisine.

B. Information et promotion.

Le PCN dispose d'une page « web » sur le site du ministère de l'économie, des finances, et de l'industrie (http://www.minefi.gouv.fr/directions_services/dgtpe/pcn/pcn.php). Cette page a vocation à présenter les principes directeurs en précisant le champ et la raison d'être et en mettant à disposition des internautes le texte français des principes directeurs. Le rôle du PCN fait également l'objet de développement ainsi que les modalités de la saisine dont il peut être l'objet. Les cas spécifiques traités par le PCN ayant donné lieu à une communication publique ainsi que le rapport annuel que le PCN remet au Comité de l'investissement de l'OCDE sont également consultables en ligne.

Durant la période qui court de juin 2005 à juin 2006, les membres du PCN ont mené diverses actions de promotion des principes directeurs dans plusieurs enceintes et à destination de publics de nature variée.

Le secrétariat du PCN a pour sa part procédé à des actions de promotion qui ont consisté en une présentation des principes directeurs de l'OCDE et des travaux menés par le PCN français depuis sa création :

- **en octobre 2005**, une telle présentation a été faite aux membres affiliés du TUAC. Elle s'insérait dans un atelier de travaux relatif à l'utilisation des principes directeurs par les comités d'entreprises européens ;
- **en novembre 2005**, une telle présentation a été faite aux experts « environnement » des missions économiques françaises ;
- **en décembre 2005**, une telle présentation a été faite au représentant spécial du secrétaire général des Nations Unies pour les droits de l'homme et l'entreprise, M. John Ruggie.

La Direction des Affaires internationales du MEDEF a réalisé, en juin 2005, un guide à destination des PME pour leur expliquer les enjeux posés par les principes directeurs de l'OCDE. Le guide a été publié à 10 000 exemplaires.

En septembre 2005, le MEDEF a organisé, conjointement avec le Ministère des Affaires Etrangères, un colloque intitulé : « Les droits de l'Homme : facteurs de performances pour les entreprises à l'international ? » dans lequel les principes directeurs de l'OCDE ont fait l'objet d'une présentation. Le MEDEF prévoit d'organiser en juin 2006 un nouveau colloque qui sera consacré aux principes directeurs de l'OCDE et à la lutte contre la corruption.

Le PCN française a de surcroît demandé son assistance à un PCN étranger afin d'obtenir un certain nombre d'éléments nécessaires au traitement de la saisine dont il était l'objet.

C. Mise en œuvre des circonstances spécifiques.

Durant le cycle 2005-2006, le PCN français a :

- ***conclu son travail sur une circonstance spécifique :***
 - SDV Transami/ République démocratique du Congo

Dans ses rapports d'octobre 2002 et 2003, le panel d'experts des Nations Unies chargé d'enquêter sur le pillage des ressources naturelles en République démocratique du Congo (aujourd'hui dissout) a mis en cause le comportement de l'entreprise de transport de marchandises, SDV Transintra. Aucun élément sur la nature précise des faits reprochés à l'entreprise au regard de la violation supposée de principes directeurs n'était toutefois contenu dans l'un ou l'autre de ces rapports. La société et le Groupe français auquel elle appartient ne se sont pas manifestés auprès du panel afin d'apporter des éclaircissements sur les modalités de conduite des activités de la société en Afrique et éventuellement contester la présomption de violation des principes directeurs dont cette entreprise faisait l'objet. La non transmission de ces informations au 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 résolus relevant du PCN pour des investigations complémentaires »).

Fin 2003, le Comité de l'investissement de l'OCDE a demandé aux PCN dont les entreprises nommément désignées par le dernier rapport du panel voyaient leur comportement mis en cause, d'éclaircir les faits qui pourraient être reprochés à ces dernières. Au vue des éléments fournis par l'entreprise, qui a entre-temps fusionné avec la société AMI-CMB et a poursuivi son activité sous une nouvelle dénomination (SDV Transami), le PCN français a conclu qu'il était nécessaire d'étudier le comportement de SDV Transami en coordination avec les travaux menés par le PCN belge à l'égard de la société belge *Specialty Metals Compagny* (SMC), pour laquelle SVD Transami était prestataire de service.

La société Transami a en effet indiqué au PCN français qu'elle avait principalement travaillé durant cette période avec SMC et que, dans ce cadre, elle s'était fondée sur les

documents de bord, de transit et de connaissance¹ de SMC. Ces derniers ne révélaient pas, selon elle, une participation à un pillage des ressources naturelles.

Le PCN belge a rendu un communiqué public concernant SMC établissant qu'en l'absence d'éléments suffisants pour juger de la véracité des informations par ailleurs parcellaires fournies par le panel d'experts des Nations Unies sur SMC et celles transmises par l'entreprise elle-même, le PCN belge n'est pas en mesure de rendre un avis dans cette affaire.

Le PCN français a considéré, au vue des éléments dont il disposait et des éléments transmis par le PCN belge, qu'il convenait de clôturer cette saisine en raison du manque d'éléments permettant d'étayer l'affirmation selon laquelle SVD Transami aurait violé les principes directeurs dans la mesure où le panel ne fournit aucun élément permettant d'étayer le comportement supposé défaillant de Transami à l'égard des principes directeurs ; les éléments collectés par le PCN français ne rendent pas compte d'un comportement supposé défaillant de l'entreprise ; le PCN belge n'a pas été en mesure de rapporter des éléments à charge contre SMC pour le compte de laquelle Transami n'effectuait que des transports de marchandises ; Transami ne peut donc être jugé complice du comportement d'un tiers, si aucun élément ne peut être rapporté contre ce tiers.

- ***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 de travailler sur cette circonstance spécifique.

- 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

¹ Le document de connaissance est le document de transport des marchandises.

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

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). Ce dossier est toujours en cours d'examen.

• ***Mise en œuvre la clause de rendez-vous avec EDF dans le cadre du projet de barrage « Nam Theun II » au Laos***

Le PCN a, le 31 mars 2005, adopté des recommandations à l'intention de l'entreprise EDF et de ses partenaires au sujet de la mise en œuvre du projet de barrage « Nam Theun II » au Laos. En conclusion de ces recommandations, il était prévu que le PCN mènerait avec EDF « des consultations régulières (au moins annuelles) permettant un suivi de l'évolution du projet et de ses impacts ainsi que des échanges constructifs concernant les mesures correctrices à apporter pour maintenir un niveau de bonnes pratiques élevé et le statut d'exemplarité que s'est fixé ce projet ». Le PCN a décidé de mettre en application cette clause de rendez-vous avec EDF. Une réunion avec l'entreprise est prévue début juin 2006.

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 once to twice a year) under the chairmanship of a senior official of the Federal Ministry of Economics and Technology 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 Technology and the OECD BERLIN CENTRE. Furthermore, a

leaflet („Merkblatt OECD-Leitsätze“) about the Guidelines is posted on the website of the Federal Ministry of Economics and Technology and has also been made available in a print version. 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 as well as the UN Global Compact Germany, represented by GTZ.

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

German Business is promoting the Guidelines within its various activities to mainstream CSR. The Guidelines are promoted by the BDI/BDA internet portal "CSR Germany". The AGE (Working Group Development Policy of German Business) held its annual conference in December 2005 on the topic FDI in developing countries and brought out 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.)?*

Together with the OECD CENTRE BERLIN the DGB arranged a conference at the end of June 2005 on the guidelines five years after their last review. This was addressed by senior OECD and national officials and MPs. The German Confederation of Trade Unions (DGB) has published a "Users' Guide" to the OECD Guidelines in German destined to inform workers' representatives (works councils, trade unions). The publication contains the full text of the Guidelines and is also available on the DGB website (<http://www.dgb.de>). Furthermore, in the period under review the DGB has held a series of seminars and workshops on the guidelines for members of European and national Works Councils.

The OECD Centre Berlin together with the Hertie International School of Governance and the DGB held a conference in April, 2006.

- *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 in-stances. 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.

Furthermore, the German NCP is 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, for example, due to lack of an 'investment nexus'.

- 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. The German NCP produced a Draft of a Statement and is still waiting for the necessary further information and clarification by the party that brought the original complaint in order to conclude this specific instance.
- 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. Thus, the German NCP has conducted with both parties separate detailed

meetings in autumn 2005; further - concluding - talks will take place in due course. The MNE has notified the NCP in detail that it has already taken constructive and concrete steps to solve the problems raised. In this connection a written question (“Kleine Anfrage“) by parliamentary group “DIE LINKE” on this matter was answered on behalf of the German Federal Government.

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'. Meanwhile, in April 2006, the stakeholders of the UN Global Compact Germany have approved it. This possibility of cooperation will be formalized in due course.

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

(+30) 210 3286249

fax: (+30) 210 328 6404

e-mail: evgenia.konto@mnec.gr / g.horemi@mnec.gr

- The NCP is a governmental service: The *Unit for International Investments* in the *Directorate for International Economic Developments and Co-operation*, part of the General Directorate for International Economic Policy of the 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

- Promotional activities are planned for 2006. In this context, we intend to involve the Hellenic Network for Corporate Social Responsibility, partner of CSR Europe, as well as interested social partners.

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)

The organizational structure is bilateral, the HNCP is an interdepartmental government body with permanent members. If needs arise the number of members can be temporarily increased by ministries affected in harmony with the nature of problem emerged.

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 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 Guidelines. Among the tasks of the Deputy State Secretariat keeping close touch with the bilateral Chambers of Commerce and Industries, investors' associations, organizations and the bodies established for reconciliation of interests is one of the most important issues.

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 main information source on the Guidelines is the home page of MoET and the HNCP itself in the MoET. The address of HNCP changed since MoET Internet site got new face and it was restructured. The new locations are as follows:

Guidelines: <http://www.gkm.gov.hu/feladataink/kulgazd/oecd/iranyelvek/iranyelvekoecd.html>

HNCP: <http://www.gkm.gov.hu/feladataink/kulgazd/oecd/kapcsolattarto.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 (see below).

- Brief press release (summary) of Hungarian language on the Guidelines
<http://www.gkm.gov.hu/feladataink/kulgazd/oecd/osszefoglaloOECD.html>
- The Guidelines in Hungarian language (full text of the original English version)
- Procedural guide of Hungarian language on the Hungarian NCP (explains what and how to do in the case of enquiry)

During the June 2005-2006 cycle special training or seminar on the Guidelines or related issues were not organized. However decision on an special e-mail action was made by the Deputy State Secretary that via Investment and Trade Promotion Agency-Hungary three basic instruments (OECD Guidelines, EU Criminal Law Convention on Corruption and ILO Tripartite Declaration) should be sent to the large enterprises settled down in Hungary in order to draw the high ranking company leaders' attention to the recommendations, provisions, ethical obligations stemming from the three basic instruments. Reason of this was that negative impact of globalization appeared in Hungary as well as and problems were arisen mainly in the field of employment, environment and exercising the right to organize. Action is under way.

C. Implementation

On April 20, 2006 HNCP received a request. A Hungarian lawyer submitted the request to the HNCP on behalf of his client (Hungarian citizen) who worked for a one hundred percent owned foreign company manufacturing car parts in Hungary. According to the lawyer's views the foreign owned company infringed Article 4. b) of Chapter IV (Employment and Industrial Relations) of the Guidelines. But the case (a particular operation in the technological process) that caused health injury took place between March 12 and 16, 2002 and after the period mentioned employee himself did not carry out similar activity. On April 2003 the company reported technological modifications publicly and a press release on small –scale downsizing related to the scale of products (manufacturing of one product was ended and it was transferred to India) was published. The company gave employee notice to quit on July 2004 referring to restructuring the production. After the notice the employee took legal proceeding of labor against the company and reported the company the County Public Prosecutor Office on March 2005. In the latter case an inquiry has been set up. Up till now the investigation has not been ended.

In order to clarify the turbulent situation and to know the reasons of the long delays between actions carried out by the employee additional information and proofs were asked for the HNCP from the lawyer on May 8, 2006. The case is going to be specific instance and parallel proceedings if the lawyer's written statements are sound.

**Annex. Hungarian way to promote the requirements of the
OECD Guidelines for Multinationals Enterprises and the ILO Tripartite Declaration**

In order to promote the effective use of state aids and the behaviour according to the law of employers toward the employees the government elaborated reforms on the basis of Government Resolution No. 1056/2005. (V.13.). In harmony with the resolution Ministry of Employment and Labour made a bill on definition and viewpoints of sound labour circumstances at the level of undertakings. As a result of the job done Parliament approved the amendment of the Act XXXVIII of 1992 on Public Finances and on the basis of Act CLXXVII of 2005 the Parliament built the so-called Paragraph 15 into the Act XXXVIII of 1992 on Public Finances which went into force in January 1, 2006. From this date the requirements of the sound labour circumstances should be considered in all state aid programmes published after the date mentioned and in all individual requests submitted to the Hungarian authorities for state aids. Applicants for state aid should request a certificate on sound labour circumstances from the Equal Treatment Authority² and the Hungarian Labour Inspectorate³ (HLI) at the same time.

Certificate attests to sound labour management of undertakings for previous two year period. It means that undertakings had to kept the rules on disclosure, they had to provide all necessary information to employee representative that was needed for meaningful negotiations on conditions of employment and collective agreements, undertakings had to respect the right of their employees to be presented by trade unions. Undertakings could not discriminate against their employees on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin. Undertakings which were committed for trial or which were fined on breaking labour rules or court, public administration delivered a final sentence against them can not gain a certificate.

After January 1, 2006 approx. 150-200 requests per day for certificates on sound labour circumstances were submitted to the authorities coming from enterprises which wish to gain state aid. At the beginning of June number of requests jumped up approx. 400 per day.

Through this system recommendations of the OECD Guidelines and obligations of the ILO agreements have become realisable in an easier way at the same time.

² The Equal Treatment Authority was established by Act CXXV of 2003 on equal treatment and the promotion of equal opportunities as set in the Government Decree No 362/2004 (XII. 26.). The Authority started its work on the 1st February 2005. It is an independent organization, which was set up by the Hungarian Government to receive and deal with individual and public complaints about unequal treatment and to implement the principles of equality and non discrimination. The Authority works under the direction of the Government and it is supervised by the Minister for Youth, Family and Social Affairs and Equal Opportunities, however neither the government nor the Ministry may instruct the Authority when it performs its tasks under the Equal Treatment Act. This provision intends to guarantee the Authority's independence from the Government.

³ The Hungarian Labour Inspectorate is an independent national authority under the supervision of the Minister of Employment and Labour, and was set up in 1984 to carry out occupational safety tasks of governance and defined official occupational safety tasks; its regional authorities are the Occupational Safety and Labour Inspectorates. Its legal status, responsibilities and powers are determined in the Act CXIII of 1993 on the labour safety (LSA) and in the Act LXXV of 1996 on labour inspections. The powers of Hungarian Labour Inspectorate are realised by the occupational safety and labour inspectors and directors who are working in the general competent centre and the county (capital) competent regional authorities (inspectorates).

Beside the above mentioned measures a special e-mail action was initialized by the Deputy State Secretary of the Ministry of Economy and Transport. Via the Investment and Trade Promotion Agency-Hungary (abbr. ITD-H) three basic instruments (OECD Guidelines, EU Criminal Law Convention on Corruption and ILO Tripartite Declaration) were sent to the large enterprises settled down in Hungary in order to draw the high ranking company leaders' attention to the recommendations, provisions, ethical obligations stemming from the three basic instruments. The three basic instruments and the so-called Paragraph 15 (on sound labour circumstances) of the Act XXXVIII of 1992 on Public Finances were put on the web (URL: www.itd.hu/itdh/nid/hir/pid/0/itdhArticleDisplay/oid/0/Article.7331).

Notice on documents mentioned was also published by ITD-H in e-Newsletter (No. 6/2006 Euro Info Mozaik). (URL: www.itd.hu/itdh/static/uploaded/document/EICMozaik%20hirlevel%202006%2006.pdf)

Reason of this was that negative impact of globalization appeared in Hungary as well as and problems have arisen mainly in the field of employment, environment and exercising the right to organize.

Budapest

June 15, 2006

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

ISRAEL / ISRAËL

A. Institutional Arrangements

- The contact details for the National Contact Point are:

Mr. Joseph Akerman	Tel:	(972-2) 666 2687
Israel's National Contact Point	Fax:	(972-2) 666 2941
Ministry of Industry, Trade and Labour	Email:	Joseph.akerman@moital.gov.il
5 Bank Israel Street	Web:	www.ncp-israel.gov.il
Jerusalem		

- The NCP relates to government agencies, social partners and other interested parties mainly through the Advisory Committee. 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 Manufacture's Association.

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. Links to site have been added to all relevant government websites.
- 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. In addition, in cooperation with the Israeli – Jordanian NGO "Friends of the Earth and the Middle East" (www.foeme.org) and Bar Ilan University, Law Department a booklet was put out that can be used as a manual (in Hebrew) on how to work effectively with Israel's NCP. This booklet is available on the web.
- New information and promotion activities are planned for 2006. The guidelines and the NCP have been presented before senior government official in the Ministry of Industry Trade and Labour. A NCP representative is invited on a regular basis to activities of Israel's Manufacturer's Association and Israel's investment promotion agency in order to promote 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 2005-2006, 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

- No specific instances were raised and/or concluded during the June 2005-2006 cycle.

D. Other

- Today some Israeli academic institutes are examining the added value in decision making process of multinational investors and Israel's acceptance of the guidelines.

ITALY / ITALIE

A. Institutional Arrangements***Structure of the Italian National Contact Point***

There is no change to the structure of the NCP. The contact details are as follows:

Mrs. Loredana Gulino	Tel: (39-6) 47052988/47052475
Italian National Contact Point	Fax: (39-6) 47052475
General Directorate for Productive Development and Competitiveness	Email: pcn1@attivitaproduttive.gov.it
Ministry of Productive Activities	pcn2@attivitaproduttive.gov.it
Via Molise 2	Web: www.pcnitalia.it
I-00187 Rome	

Institutional arrangements

The Italian National Contact Point was created by the national law n. 273/02 which defined its aims, structure and financial resources and attributed to Ministry of 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 of Productive Activities, detailed the content of the above mentioned law, providing for NCP's specific scopes and functions, operational bodies and tasks.

In particular, the Italian NCP is composed by:

1. the General Director of the DGSPC, who represents the NCP and who is responsible to:
 - adopt the NCP's final decisions and acts;
 - approve the annual report to the OECD Investment Committee;
 - summon the NCP, preside it and inform its members about NCP's activity and results;
2. the Advisory Committee, composed by representatives of ministries⁴ and of the most important trade unions and business associations. This composition is, anyway, flexible: all the stakeholders having a legitimate right to attend Committee 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 session.

The Committee is in charge of:

⁴ The Ministries attended the works are the following: Productive Activities, Foreign Affairs, Environment, Economy and Finance, Justice, Welfare, Agriculture, Health, Agricultural and Forest Policies.

- expressing opinions about the instances treated by the NCP and about its annual activity plan;
- promoting specific researches, inquires and studies on topics regarding OECD Guidelines and the Italian enterprises' activities;
- giving advice about NCP's activity programme.

The last meeting of the NCP Advisory Committee was held on 3rd April.

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).

Modalities to manage the relation between NCP and other government agencies

National administrations

The NCP is strongly engaged in involving governmental agencies and institutions in its activity and, in particular, national and regional administrations who may effectively contribute to promote and implement OECD Guidelines and the Corporate Social Responsibility (CSR) principles.

At a national level, the NCP preserves orderly relationships with the Ministry of Welfare (who launched the project “CSR - SC Corporate Social Responsibility” based on EU CSR principles) and with the Ministry of Foreign Affairs, which sponsors the project “Italian Global Compact – to promote the sustainable development through Global Compact”.

The NCP periodically informs and involves these Authorities on its initiatives and programmes and it takes part to public meetings, seminars and activities they organize.

In particular, the NCP:

- Participates to the Welfare CSR Forums and to its thematic working groups (“Diffuse CSR and exchange best practices and experiences”, “Promote the transparency and confluence of CSR practices and tools”, “Competitiveness and substance”);
- Participates to the Italian Global Compact Steering Committee and, following a mutual commitment, they enforced their collaboration in order to guarantee the best use of available resources and the maximisation of their performances.

Moreover, during this year, the NCP has come into contact with the Ministry for the Equal Opportunity to plan common projects on CSR themes and it has continued to attend the anti-bribery working group, promoted by the Ministry of Home Affairs.

Regional administrations

The NCP devotes the same attention to the regional administrations which, being closely related to territories, can promote the Guidelines principles amongst local actors, mainly SMEs.

To this end, the NCP has resumed the project “Development of public utilities and environment services management in multi-cultural contexts” (launched last year, in collaboration with Lombardia Region, Milan Chamber of Commerce and several local business associations) and on last September it organised a mission to Morocco (23rd – 25th September 2005) to favour the foreign diffusion of OECD Guidelines and the bilateral relations (see below, paragraph B.3).

Considering the significant outcomes of this initiative, the NCP started a similar experience in Veneto and Friuli Venezia Giulia Regions.

In collaboration with Regional administrations and local partners, the NCP organised two public events to launch the initiative and inform the interested potential participants (Verona, 28th February 2006; Pordenone, 13th March 2006). As carried on during the Lombardia course, the NCP staff has been transferring to trainees (composed by representatives of local firms and business body) the knowledge of: OECD Guidelines, widespread international tools concerning CSR themes and needed information to correctly and effectively operate in home and foreign markets.

These courses will end on next September but the NCP has planned to start analogous projects with Lazio and Calabria Regions.

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

The overall object of the Italian NCP is to favour the moral suasion of enterprises and strengthen the partnership between institutions, enterprises and other stakeholders to create a trust mutual climate.

Enterprises, business associations and trade unions are therefore invited to cooperate with the NCP in the definition and implementation of activities as well as in the adoption of voluntary socially responsible conducts.

To reach these goals, the most important trade unions and business associations attend the NCP Advisory Committee and they are continuously invited to meetings and seminars organised by the NCP which galvanises their active participation in promote OECD Guidelines (see below, section B, point 2)

Relations with other interested partners

The NCP constantly involves and informs the other interested parties by resorting to several different tools, going from organising meetings and roundtables to supplying training courses, from managing a specific forum, where they may dialogue and exchange experiences, to sending them the periodical PCNM@gazine newsletter (see below, section B, point 2).

B. Information and Promotion

Availability of the Guidelines

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

By now, 1.100 copies of the OECD Guidelines have been distributed during NCP events and sent, without any charges, on people’s request.

Recently the NCP has arranged for printing a new version of the OECD with a more attractive graphical design.

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

During this year, the Italian NCP has resumed a strong informative and promotional campaign dedicated to OECD Guidelines and CSR principles to stimulate people awareness and create a new and conscious business and social culture.

The NCP has carried out wide and heterogeneous promotional initiatives, including development of promotional materials, management of the dedicated website, information of interested counterparts, promotion of initiatives and events, participation to public appointments (forums, fairs, etc), as follows described:

– **management of the official NCP website (www.pcnitalia.it)**

The website contains:

- information on NCP structure, organisation and regulation;
- OECD Guidelines, both in Italian and English version along with their popular slides;
- the list of the initiatives, appointments and meetings in the field of CSR and promoted by the Italian NCP or other national/international bodies;
- the list of FAQs;
- a discussion forum - opened to interested public, institutions, associations, enterprises - to debate about the launched topics, to propose new questions or to change experiences and good practices.

In addition, the NCP has recently arranged to create a website reserved area to allow the Advisory Committee's members to exchange documents and acts concerning their tasks.

The website has revealed to be a very useful tool of promotion, thanks to its particular dynamicity which permits to catch people attention by using electronic and graphic solutions.

From July 2005 to May 2006, 5.515 visitors accessed to the NCP website.

The link to NCP website is hosted on those of the most important public bodies and institutions (i.e. Italian Global Compact, National Authority for Competition and Market, National Association of Construction, Institute for Industrial Promotion, "Marco Biagi" International Research Centre, FEEM, ALTIS, etc.).

- **information documents:** For guaranteeing the widest awareness of the OECD Guidelines, the Italian NCP has prepared several materials (notes, articles, informative leaflets), both in Italian and in English language, included 3.000 copies of a brochure describing the Italian NCP, its structure, aims and duties and the OECD Guidelines. The English version of this brochure has been already composed and it will be printed in a short while.

- **NCP newsletter “PCNM@gazine”:** To fully promote the activity and inform people about NCP initiatives and campaigns, a periodical newsletter, entitled “PCNM@gazine”, has been prepared and sent to the enrolled addressees (about 270 addressees).

The newsletter contains: articles describing NCP initiatives and meetings, interviews to famous personalities strongly involved in promoting CSR topics, the most important national and international referred actions, the electronic link to documents treating CSR themes. Foreign NCPs have been invited to publish on Italian NCP newsletter any articles they desire to share or diffuse worldwide.

The NCP sends the newsletter, by e-mail, to central and local national institutions, governmental agencies, chambers of commerce, Italian embassies and consulates, national enterprises (operating in Italy or abroad), labour unions, business associations, NGOs, universities and high training schools, students and privates who required it.

An English version of the newsletter is sent to the foreign NCPs, international bodies and NGOs, European Commission and OECD Offices too.

- **Demonstrations and fairs:** The NCP regularly attends the national well-known demonstrations devoting to public administrations activities (“*Public Administration Forum*” Rome, 8th – 12th May 2006; “*SMAU – International Fair of ICT and Consumer Electronic*”, Milan, 18th – 23th October 2005). During these events the NCP had its own information desk where materials, copies of OECD Guidelines and promotional documents are distributed and the main aspects of its activity and tasks are introduced to the public.
- **Research on enterprises’ CSR behaviours and the methods adopted to communicate them:** The NCP has launched a research to deeply analyse enterprises’ CSR behaviours and how they communicate them.

The research, lead on a sample of 15 small and medium enterprises, located in 6 central and northern Italian Regions, through questionnaires and visits, concurred to frame some significant aspects about dynamics of Corporate Social Responsibility in the Italian context.

The value of the adoption a strategy of an ethical and social responsible behaviour is recognise as a necessary condition for creating a collaborative and interactive spirit among the staff, as a matrix able to express in best conditions their acquaintances, competences and creativity.

It can optimize enterprises’ human resources patrimony thus to attract new talents and therefore, on the long time, to be more innovative and competitive.

The first indicative results of the research point out that no company is oriented in funds request but they are interested in fiscal incentives, activated through automatic process recognised by the State. Substantially, the same process of certification SA 8000 is not recognise as a necessary instrument because CRS answers to a motivational choice of enterprises and, in the same time, they need to dispose of prepared staff, able to interpret the social trends.

The complete and final outputs of the research will be at NPC disposal in the next months.

Other information and promotion activity held or planned

The Italian NCP has adopted an overarching approach to promote OECD Guidelines based on the strongly involvement of every interested and available body and association.

Coherently, it has kept in touch with Ministries and national institutions, business communities and social society representatives, foreign NCPs (please note its participation to the Stakeholders Forum, held in London last 1st – 2nd December) thus to enforce its message, to achieve consensus, to identify best practices.

Starting from this approach, the NCP adverted the following meetings:

- “*Bribery: an obstacle to development*” (Rome, 22nd November 2005), promoted by IDLO and Transparency International -Italy NGO.
- “*A social responsible territory: participation, trust and relations governance*” (Vicenza, 17th October 2005), organised by APIndustria business association;

and it attended the under mentioned events:

- “*2nd meeting on subsidiarity*” (Rome, 21st June 2005), promoted by Cittadinanzattiva NGO;
- “*The environmental task of ENI SpA*” (Rome, 5th July 2005), organised by ENI SpA;
- “*Taking CSR seriously*”, (Frascati, 14th – 15th October 2005), coordinated by Gruppo di Frascati, a group of national and international firma and NGOs engaged in handling CSR principles;
- “*Local Finance Meeting*” (Rome, 6th December 2005), promoted by the National Association of Italian Municipalities;
- “*CSR and development: a proposal for a law, an idea for the future*” (Rome, 7th December 2005) organised by Legambiente and Anima NGOs;
- “*From ROI to REI*” (Rome, 19th January 2005), sponsored by La Sapienza University of Rome.

To diffuse the OECD Guidelines worldwide, the NCP contributed to promote the following international meetings:

- “*2005 Libya road-show*” (Milan, 28 November 2005);
- “*Promotion of OECD Guidelines and enforcement of bilateral commercial relations*” (Casablanca, 26th September 2005).

By the above-mentioned international events, the NCP has tried to favour the promotion of the OECD Guidelines and the creation of contacts among Libyan and Moroccan entrepreneurial systems and some Italian firms, which were selected on the strength of their responsible and faultless social behaviours thus to be a referred model for foreign enterprises

To foster the germination of a new business culture, based on the OECD Guidelines principles, Italian PCN has also involved universities and students in its promotional activities. In particular:

- It has continued to collaborate with the “Sacro Cuore” Catholic University of Milan, through its “School for High Training”, to diffuse and implement OECD Guidelines.
- This collaboration has led the NCP to attend the workshop “*The role of intangibles in sustainability account*” (29 November 2005), to sponsor the “*CSR Manager*” course, started on last April, and to finance ten fellowship and a degree prize for graduation thesis handling OECD Guidelines. An agreement to foster the organisation of students internships was subscribed too.
- It actuated a relation with the LUMSA and IULM Universities to verify its availability to promote common and shared projects.

Finally, the NCP presented its own contribution, describing its tasks and its point of view on CSR themes, to the “*CSR Guide for Italian SMEs on CSR*”, published by APIVincenza business association and Unicredit Bank.

Annex 3

The Italian NCP has engaged relations with SACE (the Italian association in charge of insuring export credit) and SIMEST (the national institute responsible for promoting Italian Enterprises abroad) to foster the activity of informing the Italian firms, operating in foreign countries or intended to start working abroad, about the content of Guidelines.

Moreover, the international engagement of the Italian NCP has been strengthened by the recent Law of 31st March 2005, n. 56 which settled the collaboration between the NCP and the Unique Foreign Desks to supply assistance and consultancy to multinational enterprises, to create transnational networks of SMEs.

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

The Argentine NCP sent as a request of information regarding Italian NCP’s structure and organisation

C. Implementation in Specific Instances

By now, the Italian NCP has received one instance.

Date of request

The instance is currently in preliminary phase and NCP is evaluating if it has the necessary requirements to be taken in charge.

Who raise the specific instance

A national NGO.

OECD Guidelines.

The instance concerns : Cap. 1 par. VII, Cap. 2 par. II and V, Cap. 3 par. I, Cap. 5 par. I, IIa, IIb and IV;

Involved business activities in a non-adhering countries

Yes.

Sector of activities

Extractive industry – extraction of natural resources;

Acceptance or rejection of the instances

Not yet available, in preliminary phase.

Conclusion of the instances

Idem

Communicated Results

Idem

Additional information

Idem

D. Other

The NCP defined internal procedures to handle the instances accordingly 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.

More in detail here follows the salient aspects of the approach.

Visibility: as already described, the NCP has planned numerous and various meetings and events to promote itself, the Guidelines and the principles of the CSR among citizens, institutions, enterprises, NGOs and associations.

Planned events for the remaining 2006 months, have been submitted to the NCP Committee, to gather consensus and suggestions;

Accessibility: the NCP has adopted all possible measures to facilitate communication: dedicated telephone and fax machine lines, e-mail addresses, the web site.

Transparency: the NCP intends to act in the most transparent way. To reach this goal it constantly updates the information published on its website and it has elaborated an internal procedure to handle the requests of information and the instances received.

The requests of information must be presented without any reference to specific people or enterprises. If appropriate, to make them available to everyone, the NCP will add these requests of information to the list of the FAQ of its website.

The instances are subjected to a preliminary evaluation and, only if they respect the condition required, the NCP informs the counterparts and the thirds and it starts the investigation. During the investigation phase, the NCP is responsible of keeping the secret on the specific subjects and events involved (respecting the national law on privacy rights) and it can publish, on its website, only some general references.

The involved parties will be periodically informed about any news and changes while the parties not directly engaged will be informed only in the presence of legal obligation.

At the end of the procedure, the level of detail which can be diffused through the final public statement must be agreed with the parts.

Accountability: to guarantee the best treatment of the instances, the NCP created a Committee characterized by the presence of different and various bodies (see Annex 1) able to effectively contribute to solve the question proposed.

In particular circumstances, when specific skills are required, the NCP internal procedure provides for the possibility of forming group of experts to debate and evaluate the instances.

As far as the measures to promote timelessness and efficiency concerns, the Italian NCP decided to arrange the handling of instance without fixing any standard time because the duration of exam could depend on events beyond its control.

Nevertheless, the NCP handles instances in “congruent time” guaranteeing efficiency and accuracy in their management.

JAPAN / JAPON

A. Institutional Arrangements

There have been no changes to the institutional arrangements. 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. The contact details are as follows:

Director OECD Division Economic Affairs Bureau Ministry of Foreign Affairs 2-2-1 Kasumigaseki Chiyoda-ku Tokyo	Tel: (81-3) 5501 8348 Fax: (81-3) 5501 8347 Web: www.mofa.go.jp/mofaj/gaiko/oecd/
Director International Affairs Division Ministry of Health, Labour and Welfare 1-2-2 Kasumigaseki Chiyoda-ku Tokyo	Tel: (81-3)-3595-2403 Fax: (81-3)- 3501-2532 Web: www.mhlw.go.jp
Director Trade and Investment Facilitation Division Ministry of Economy, Trade and Industry 1-3-1 Kasumigaseki Chiyoda-ku Tokyo	Tel: 81-3)-3501-6623 Fax: (81-3)-3501-3638 Web: www.meti.go.jp/policy/trade_policy/oecd/html/cime.html

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.

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. The NCP of Japan held a meeting with the Secretariat of Business Association (Nippon Keidanren) and shared the updates concerning development of discussions on the Guideline in the OECD.

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. The NCP of Japan held a meeting with a NGO, which is supporting the labour union which is one of the related Parties of a specific instance, and exchanged views and shared information about the specific instance. The NCP of Japan held a meeting with an Labour Group of Japanese subsidiary of a foreign multinational company, and explained the Guideline and the function of the NCP.

B. Information and Promotion

(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.

(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.

1. The Japanese government did spread enlightenment of OECD Guidelines in the seminar of business community with Japanese multinational enterprises.

2. 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.

See attached Annex 3.

Enquiries have been received from employee organizations, non-governmental organizations and academics.

C. Implementation in specific instances

One specific instance has been received during the reporting period:

- *Date request to consider specific instance was received.*
May 2006
- *Who raised the specific instance (e.g. business, trade union, NGO)?*
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.*
General Policies and Employment and Industrial Relations
- *Does the specific instance involve business activities in a non-adhering country?*
No.
- *Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.*
Manufacturing (food processing)

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

Accepted

- *If accepted, date specific instance was concluded.*

Continuing (just received a request on 9th May and started to gather facts about the issue)

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

None (all cases are under proceeding)

- *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?*

At this stage, no additional contribution is available.

D. Other

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.

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. The NCP of Japan also faces difficulties to offer good offices to conflicting parties, because of unwillingness of one of the parties to accept the offer.

KOREA / COREE

Korea reports the 2005-2006 activities of the National Contact Point (NCP) to the Investment Committee in accordance with the *OECD Guidelines for Multinational Enterprises Decision of the Council* (June 2000).

A. Institutional Arrangements

Summary

Korea's 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. The Foreign Investment Policy of MOCIE is also responsible for affairs related to the OECD Investment Committee. The address for Korea's NCP is as follows:

Secretary of the Committee (Foreign Investment Policy Division of MOCIE)

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

Major Features

The Committee is an interdepartmental body, consisting of relevant ministries and local governments. The central government committee consists of 13 departments relevant to each chapter of the Guidelines. Since local governments are playing a bigger role in attracting FDI, we have recognized the importance of the Guidelines and encouraged participation in NCP activities.

Most of the guideline promotion activities are carried out by MOCIE. On specific instances, MOCIE makes an initial assessment and reports the results to the Committee.

Since the Committee consists of many departments, it deals with specific instances and effectively raises central and local governments' awareness of the Guidelines.

The cooperation of NCP with the business community, trade unions, NGOs and the public are carried out on a non-regular basis. Through consultations and seminars, the NCP and private sector exchange experiences and discuss promotion activities. In case of specific instances, an arbitration committee composed of labor unions, NGOs, and experts may be created to offer guidance.

B. Information and Promotion

Domestic Promotion Activities

Korea's NCP is engaged in promotion activities of the Guidelines by participating in CSR (Corporate Social Responsibilities) related lectures and forums for domestic companies, media, congressmen, trade unions, and civil groups. The NCP has attended the following events:

- '05.4.6 International Conference on CSR, sponsored by the Federation of Korean Industries (FKI)
- '05.11 Lecture meeting on SR Standardization Forum
- '06.4.4 The 1st CSR Forum, attended by lawmakers, trade unions, business and civic groups, and media
- '06.4.20 Lecture meeting for the "Clean Plus Club" members, launched by major Korean media companies to raise awareness on fair and transparent business management practices
- '06.4.25 International Forum sponsored by the Korea Business Council for Sustainable Development

Korea's NCP has been promoting the Guidelines to foreign companies and potential investors to Korea. Main promotion activities are as follows:

- Publication and distribution of the OECD Guidelines for Multinational Enterprises
- Providing an English version of "Korean NCP guidelines" into English
- Launching e-mail newsletter service
- Providing an English version of the 'Environment and the OECD Guidelines for Multinational Enterprises: Corporate Tools and Approaches'

Overseas Promotion Activities

The NCP has developed links between the Guidelines and the Overseas Investment Guarantee with trade-investment promotion agencies. KOTRA (Korean Trade Investment Promotion Agency) and the Korea exchange bank provide information on the Guidelines to multinational enterprises in regards to inward and outward investments.

The NCP is planning to launch a major promotion campaign on the OECD Guidelines for Multinational Enterprises through our overseas offices, especially those centered on labor relations.

From July 17 to 28, 2005 the NCP held promotions to Korean companies in Mexico, Honduras, and Guatemala. Officials from MOCIE, the Ministry of Labor, the Ministry of Foreign Affairs, as well as experts on Central and South American affairs participated in the program. Specific details are as follows:

- Activities of the Korean NCP
- The OECD Guidelines for Multinational Enterprises.
- Implementation in Specific Instances
- Introducing model examples of local companies

C. Implementation in specific instances

Process of specific instances: Korea's NCP deals with specific instances in accordance with the guidelines on the function, organization, interpretation, and objections of the NCP stated in a rule for Korea's NCP. When Specific Instances are brought to the Secretary of the Korea's NCP, the Secretary makes an initial assessment of the issues. The process usually takes less than 30 days and results are informed to the petitioner. The process may be extended in exceptional cases when issues are complex or in need of authentic interpretation of the OECD Investment Committee.

The settlement and arbitration process of the NCP are classified. Internal information of multinational companies is disclosed only under consent of the parties concerned.

The NCP may seek and consider advice from business and labor unions, NGOs, and experts on any related matters.

Specific Instances: The Specific Instance related to Korean manufacturing companies in Malaysia had been in process since 2003 in Malaysian High Court, but came to an end when it was ruled that the company was not guilty. According to Korean NCP research, the company currently is doing business without any industrial relations problems. Therefore, the Korean NCP considers the issue resolved.

Specific Instances during 2005-2006: No Specific Instance has been raised since June 2005. Korea's NCP is striving to promote NCP procedures, and it is encouraging multinational enterprises to comply with the guidelines.

D. Others

The NCP is making the Guidelines known through websites, brochures, and e-mail and provides guidance on how specific instances should be submitted. Any specific instances brought to the NCP are resolved efficiently through an arbitrary committee composed of relevant experts and stakeholders or consultations with related agencies. Such efforts contribute to raising the visibility, accessibility, accountability, and transparency of NCP activities.

LATVIA / LETTONIE

A. Institutional Arrangements

NCP contact e-mail changed. The contact details are:

Director
Economic Relations Department
Ministry of Foreign Affairs of the Republic of Latvia
36 Brīvības Bulvāris
Rīga LV - 1395
Tel: + 371 7016258
Fax: + 371 7321588
E-mail: lvncp@mfa.gov.lv
Web: <http://www.mfa.gov.lv>

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.

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.

Employers Confederation of Latvia (LDDK) and Free Trade Union Confederation of Latvia (LBAS) are represented in OECD Consultative Board. LDDK 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.

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

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>.

On 6 December 2005 Latvian NCP organized a meeting with the representatives from Employers Confederation of Latvia, Foreign Investors Council in Latvia, Latvian Investment and Development Agency, Corruption Prevention and Combating Bureau and Business School "Turiba".

NCP provided interested parties with the information on Guidelines and recent discussions in the Investment Committee. The overall discussion were aimed to identify the best possible ways to promote Guidelines taking into account the specifics of Latvia. NCP encouraged the interested parties from their perspective to consider the events and formats appropriate for the promotion of Guidelines

The activities identified for consideration in future:

- positioning Guidelines within the broader framework of CSR initiatives in Latvia;
- publication of brochure on Guidelines;
- cooperation with Business School “Turība” (providing reference to Guidelines in relevant study programme).

No enquiries have been received from other institutions or organisations.

C. Implementation in specific instances

The Latvian NCP has not received a request to consider a specific instance.

D. Other

Consultations with Employers Confederation of Latvia have revealed that the organization representing business in Latvia shares the values of Guidelines and is open for cooperation to promote them which follows the trend of NCPs and BIACs “proactive approach”.

LITHUANIA / LITUANIE

A. Institutional Arrangements

Contact details for the Lithuanian NCP are:

Company Law Division	Tel: 370 5 262 0582
Company Law and Privatization Department	Fax: 370 5 263 3974
Ministry of Economy of the Republic of Lithuania	E-mail: m.rucinskaite@ukmin.lt
Gedimino ave. 38/2	Web: http://www.ukmin.lt
LT-01104 Vilnius	

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

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/lt/nuorodos/ebpo/ebpo-index.php>). 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”.

Co-operation with government officials, trade unions and business organizations is carried out by organising consultations. 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 available during the meeting of Tripartite Council.

No enquiries regarding the *Guidelines* have been received..

C. Implementation in specific instances

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

D. Other

Seeking to fulfil the core criteria for the operation of NCPs, Lithuanian NCP has made information on recent developments available on the web page.

LUXEMBOURG

MEXICO / MEXIQUE

A. Institutional Arrangements

The National Contact Point of Mexico (NCP) is located at 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 environmental cooperation 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 and follow-up 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	Tel 5729-9146
Attn: Kenneth Smith	Fax 5729-9352
Alfonso Reyes # 30, Piso 18	e-mail: pcn-ocde@economia.gob.mx
Col. Condesa C.P. 06179	
Mexico, D.F., Mexico	

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, the NCP has developed a Guidelines web page which can be accessed through 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 2005 and 2006 Annual Reports to the CIME, 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 the business community, including industry and trade chambers and associations, trade unions, academic and civil society organizations.

Furthermore, the NCP is planning to hold an event 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 an open dialogue among all stakeholders in order to improve understanding of the Guidelines and the NCP activities.

C. Implementation in Specific Instances

1. *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 Queretaro 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 closures of these plants were contrary to Mexican law because they were carried out without any prior notification or consultation with the workers. Legal processes are conducted through federal tribunal, which will settle the dispute during the coming months.

On March 10th 2004 the NCP was requested to assist by the group of workers in the resolution of the conflict with respect to the implementation of the OECD Guidelines (IV.6 Employment and Industrial Relations). We in turn requested additional information from the workers, which was received on February 10th 2005.

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

After an initial assessment of whether the issues raised merit further examination and response to the party, the NCP of Mexico offered its good offices to assist the parties involved to resolve these issues in accordance with applicable law.

In order to issue a statement on the implementation of the Guidelines, we have requested updated information to the parties, including the status of the parallel legal procedures, to be duly considered by the NCP.

D. Other relevant activities

The NCP participated in meetings and conferences with the Mexico's biggest confederation of trade unions, the *Confederación de Trabajadores de México* (CTM), the Union Network International (UNI Americas Global Union), civil society organizations such as *Friedrich Ebert Stiftung*, and the general public interested in learning what the OECD Guidelines are and the responsibilities of the NCP.

On June 23rd 2005 the NCP participated in the event: *Seminario Regional sobre Empresas Multinacionales y Nuevos Códigos de Conducta* (Regional Seminar on Multinational Enterprises and New Codes of Conduct), which was organized by the *Friedrich Ebert Stiftung* and *UNI Americas Global Union*. This seminar was attended by representatives of trade unions from Latin America, who raised questions to the NCP on the Guidelines and implementation in specific instances.

On October 18th 2005 the NCP participated along with Mexican workers in the workshop entitled: *Seminario Regional sobre Responsabilidad Corporativa* (Regional Seminar on Corporate Responsibility), organized by the CTM. In that seminar the NCP talked about its activities in relation to implementation and promotion of the Guidelines and specific instances.

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 part of the agenda for the new NCP, which is expected to be installed in the fall of 2006.

The following activities in 2005-2006 are highlighted:

- As a result of a project 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 the EVD now provides (potential) entrepreneurs with information on the government endorsed Guidelines (and why it is rewarding to use them) and guidance on challenges that may occur when trying to implement the Guidelines in several emerging markets. The country-specific information is available on websites and was brought to the attention of entrepreneurs in the form of country brochures during trade missions to India, Brazil and China.
- The feedback received from companies made clear that this was a good way to promote the Guidelines among SMEs in a user-friendly way. Therefore, the Dutch NCP commissioned 'MVO Nederland', a CSR knowledge and information centre, to deepen the information gathered on CSR issues (along the lines of the Guidelines) in emerging markets and make

this available in web-based toolkits. Toolkits are prepared on Brazil, China, India, Indonesia, Russia and South Africa.

C. Implementation in specific instances

Since the revision of the guidelines in May 2000, the NCP has discussed 15 specific instances, of which 14 were raised before this reporting period. Of these 14 instances 2 have been concluded in this reporting period (1 with and 1 without a statement), 4 have been concluded earlier with a statement and 9 without. During this reporting period 1 specific instance was raised and concluded*.

Concluded

- In August 2002 the Dutch labour union FNV raised the issue with the Dutch NCP on whether the (process leading up to) petition for bankruptcy by Plaid Nederland was in conformity with the OECD-guidelines. As the company no longer existed, it has been difficult to obtain all the necessary information. Since the management of Plaid went elsewhere, neither a tripartite meeting nor a joint statement could be realised. The NCP decided to draw a conclusion, based on the information gathered from the bilateral consultations and Courts' rulings. Part of this conclusion is that the company's efforts of sharing information with its employees about the financial situation of the company apparently were not effective.
- The NCP decided that the specific instance raised by a Dutch trade union about social rights within a multinational company from another OECD country did not merit further examination because it showed that no subsidiary existed in the Netherlands. Parallel legal proceedings concerning the same instance are still taking place in another OECD country.
- A Dutch Labour Union requested the Dutch NCP to inquire after the follow up on a Interim Report by the ILO Committee on Freedom of Association on the complaint against the Government of Chile. This request was prompted by the treatment of employees and trade unions in a subsidiary of a Dutch company in Chile. In response to this request the Dutch NCP contacted the Dutch company and the NCP of Chile but concluded that the request itself was not stated in the form of a specific instance.

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

D. Other/CSR in the Netherlands

Review of the National Contact Point

During the reporting period the Ministry of Economic Affairs reviewed the role and functioning of the National Contact Point. A combination of a desk study, a benchmark in six capitals, interviews and round table sessions with various stakeholders in the Netherlands resulted in various recommendations. Information on future developments concerning the NCP will be

* Two new instances with regard to the activities of a Dutch company in the Philippines and Brazil were raised at the time this report was finalized. They will be included in the next reporting period.

available shortly, after the Minister for Foreign Economic Relations has informed the Dutch Parliament.

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. 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. A revised discussion paper was presented at the 2005 July meeting of the Working Party of the Trade Committee. After discussion in the Trade Committee and its Working Party it was decided to undertake a study with a focus on obtaining an objective overview on how companies are informing consumers on the environmental and social aspects of their production. The results of this study are foreseen for September 2006.

Transparency

In the Transparency Benchmark 2005, the consultancy firm PricewaterhouseCoopers was 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 same was done for 25 not-for-profit organisations.

This second Transparency Benchmark deepened the insight into the extent to which Dutch companies render account of their CSR policy and helped to identify best practices.

A comparison of the scores on the benchmark 2004 with those from 2005 shows that the increasing demand for transparency is acknowledged by a growing number of companies.

NEW ZEALAND / NOUVELLE-ZELANDE

A. Institutional Arrangements

The contact details of the NCP are:

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: http://oeed-multinat.med.govt.nz
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- *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 organisations.

The NCP has adopted a co-ordinated and cooperative approach which involves all members Liaison Group in discussions on the promotion of the Guidelines in New Zealand.

The Liaison Group meets as required, but at least once per year.

- *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 our promotional responsibilities under the Guidelines requires a co-operative and co-ordinated approach. It has sought the active involvement of other government departments in the following ways:

- supplying information about the Guidelines to all government departments and asking each to ensure its officials are aware of the Guidelines and incorporate them appropriately in departmental policies, processes, and promotional activities.
- 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, unions 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?*

The Guidelines are available in both written and electronic forms from the NCP. The updated website of the New Zealand NCP 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.

Information on the Guidelines and the role of the NCP in New Zealand has been included in information packs at business events and other relevant fora. The NCP also distributes, as appropriate, a one-page information sheet on the Guidelines. This is also available on the NCP's 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?*

The Liaison Group works cooperatively to facilitate the promotion of the Guidelines 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;
- provided copies of our information sheet to all New Zealand overseas Embassies, Consulates and High Commissions for distribution, at the appropriate time, to New Zealand companies operating overseas;
- prepared an article about the operation of the Guidelines for inclusion in the Ministry of Economic Development's on-line newsletter, Business Update. This was published in August 2005 and is distributed to 15,000 members of the New Zealand business community;
- prepared an article about the operation of the Guidelines for inclusion in the Ministry of Foreign Affairs' newsletter, Business Link,. This was published in July 2005 and is distributed to 3000 members of the New Zealand business community;
- incorporated the Guidelines into a keynote address by the Ministry of Economic Development's Deputy Secretary for Regulatory and Competition Policy at a conference on sustainable procurement;
- hosted a meeting of the Liaison Group to gather further information from members about their efforts to promote the Guidelines through their networks.

Planned activities include:

- following up our previous correspondence with New Zealand's Embassies, Consulates and High Commissions and providing additional information on the Guidelines where necessary;
- continuing to encourage relevant government agencies to refer to the Guidelines in their promotional material, including in the context of the New Zealand government's "Export Year 2007";
- working with the New Zealand Overseas Investment Commission to effectively promote the Guidelines to foreign multinational enterprises looking to operate in New Zealand;
- facilitating, through members of the Liaison Group, the distribution of information on the Guidelines to relevant governmental colleagues in non-OECD countries where New Zealand MNEs are known to operate, especially in the Pacific Islands;

- considering, in consultation with the Liaison Group, whether the membership of the Liaison Group needs to be expanded to include a broader range of stakeholders;
- considering the development of an information sheet and notification form to assist those who may raise a specific instance with the NCP;
- preparing a list of specific instances that have been raised with other NCPs and putting this onto the website of the New Zealand website in order to give stakeholders an indication of the type of matters raised in other jurisdictions; and
- providing a list of links to the websites of other NCPs onto the New Zealand NCP website; and
- prioritising the investigation of the NCP producing an information booklet linking the Guidelines to other Guidelines-related programmes and activities.

No update to Annex 3 is required.

- *Have enquiries been received from:*
 - a) *other NCPs:* The New Zealand NCP replied to the survey conducted by the United Kingdom's NCP on the promotion and implementation of the Guidelines.
 - b) *the business community, employee organisations, other non-governmental organisations, or the public:* The New Zealand NCP has replied to a number of enquiries from individuals and non-governmental organisations relating to how the Guidelines are promoted in New Zealand.
 - 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.

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;

The NCP will, over the coming months, consider undertaking a survey on the effectiveness of our promotional activities.

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

One specific instance was raised with the Norwegian NCP during the June 2005-2006 cycle. In June 2005 the NCP a specific instance was received from the Norwegian NGO Forum for Environment and Development (ForUM) concerning the company Aker Kværner's activities at Guantanamo Bay. The NCP issued 29 November 2005 the following statement (translated from Norwegian) :

Statement by the Norwegian National Contact Point**29 November 2005****Enquiry from the Forum for Environment and Development (ForUM)
on Aker Kværner's activities at Guantanamo Bay**

The Norwegian National Contact Point for the OECD Guidelines for Multinational Enterprises received an enquiry from ForUM on 20 June 2005 relating to Aker Kværner ASA's activities at Guantanamo Bay. ForUM believes that, in providing assistance to the detention facility at Guantanamo Bay, Aker Kværner, through its wholly-owned US subsidiary Kværner Process Services Inc., is failing to comply with Recommendation no. 2 in Chapter II of the Guidelines on respect for human rights.

Background information

The OECD Guidelines for Multinational Enterprises are recommendations by the governments of the OECD countries to multinational companies in these countries. They contain voluntary principles and standards for responsible business conduct in many different areas, and make recommendations on how companies should proceed in the countries they are engaged in. The objective of the Guidelines is to promote sustainable development by encouraging companies to respect human rights, take responsibility for the environment and social development, fight corruption, etc.

The recommendation in question in this case is Recommendation no. 2 in Chapter II, which states that companies should "respect the human rights of those affected by their activities consistent with the host government's international obligations and commitments."

According to the Guidelines, adhering countries are to set up National Contact Points (NCPs), which are to promote the Guidelines, handle enquiries relating to the Guidelines and help to resolve issues concerning compliance with the Guidelines that are submitted to them. The NCPs can, for example, provide a forum for discussions between interested parties, discuss matters that are covered by the Guidelines and solve problems arising between companies and employees or arising in other areas covered.

The NCP in Norway is made up of representatives of the Ministry of Foreign Affairs, the Ministry of Trade and Industry, the Norwegian Confederation of Trade Unions and the Confederation of Norwegian Enterprise.

The NCP had meetings with Aker Kværner and ForUM on 5 September and 26 October 2005 to discuss the complaint submitted by ForUM and assist the parties in reaching agreement on this issue.

The company's operations

Aker Kværner has, through its wholly-owned US subsidiary Kværner Process Services Inc. (KPSI), carried out work for the US Department of Defense at the American Marine base at Guantanamo Bay, Cuba, since 1993.

According to the information provided, the work carried out by KPSI at the base consists of maintenance tasks, such as ensuring adequate electricity and water supplies and proper functioning of the drains. After 11 September 2001, a camp was built alongside the Marine base for the internment of terrorist suspects. This was known as Camp x-ray, and was used for persons taken prisoner in connection with military operations, for example in Afghanistan. The camp was built by other companies under contract to the US authorities. KPSI does not have a contract for the operation of the prison, but has, on request,

assisted in the event of faults with water pipes, the electricity net and other shared functions for the Marine base and the prison.

KPSI's contract will expire in the near future. In the spring of 2005, the company submitted a tender for further works at the Guantanamo Bay base, but was not selected. The company will therefore discontinue its engagement at Guantanamo Bay by March/April 2006, and as a result will be closed down.

The arguments put forward by the parties

ForUM is of the opinion that Aker Kværner, through KPSI, is involved in activities that conflict with Recommendation no. 2 in Chapter II of the Guidelines. It refers to the fact that the International Committee of the Red Cross, Human Rights Watch and Amnesty International have all pointed out that the operation of the facilities is in breach of international humanitarian and human rights norms, including the prohibition against torture and other forms of cruel, inhuman or degrading punishment, and that it fails to ensure basic legal safeguards. For this reason, ForUM wants Aker Kværner ASA's company KPSI to discontinue its activities at Guantanamo Bay.

Aker Kværner states that it has considered on an ongoing basis the ethical issues these activities raise, but has not found them to weigh heavily enough to discontinue its work. It furthermore points out that the detention facilities were built ten years after KPSI started to work at the Marine base. The company has nothing to do with the operation of the detention facilities. Nevertheless, as several of the operational and supply functions are shared, KPSI has occasionally, on request, provided maintenance services relating to the operation of the facilities, such as maintenance of the electricity and water supply, drains, etc. These services have also been carried out in the detention facilities, including the cells. Aker Kværner does not consider KPSI's activities at Guantanamo Bay to be at variance with the OECD Guidelines.

The NCP's assessment

This case is not a question of whether Aker Kværner has violated human rights. The human rights conventions apply to states only, and companies cannot therefore be held responsible for violations of human rights. However, companies can, through their own actions or failure to act, be complicit in or profit from violations of human rights by states. Recommendation no. 2 in Chapter II of the Guidelines addresses the ethical aspect of such cases. Therefore, the question that has to be asked in this case is whether the company has failed to "respect the human rights of those affected by (its) activities consistent with the host government's international obligations and commitments."

The NCP refers to a number of reports from international organisations and bodies that express serious concern about the operation of the detention facilities at Guantanamo Bay being in violation of human rights. Although this criticism is not directed at the activities at the Marine base itself, it is generally known that in recent years alterations have been made to the detention facilities.

Aker Kværner and its subsidiary KPSI are not primarily engaged in the operation of the base, but have on occasion carried out maintenance on shared operational and supply functions for the prison and the base. The Guidelines state that the company should, "respect the human rights of those affected by (its) activities." It is the NCP's opinion that the activities carried out by the company at least in part can be considered to have affected the inmates of the prison. The operation of the prison depends on the maintenance of infrastructure of the type carried out in this case.

It is the NCP's opinion that the nature and extent of Aker Kværner's activities are unclear. Despite several enquiries from the NCP, the company has not provided specific information about its activities at Guantanamo Bay. It is the NCP's opinion that Aker Kværner could have provided extensive

documentation without compromising its obligation of confidentiality towards the other party to the contract. Neither has the company submitted documentation of the ethical assessments that have been made internally in the company in relation to its activities at Guantanamo Bay, including any board discussions of these issues. No documentation has been provided of any formalised, concrete framework, guidelines, rules, etc., that have been applied in assessing the ethical aspects of the activities in question. It has, however, been ascertained that the OECD Guidelines have not been included in the basis for Aker Kværner's assessments.

The NCP underlines the importance of Norwegian companies continually assessing their activities in relation to human rights. The provision of goods or services in situations such as those at Guantanamo requires particular vigilance with respect to corporate social responsibility. It would therefore have been appropriate if the company had undertaken a thorough and documented assessment of the ethical issues in connection with its tender for the renewal of the contract in 2005.

The NCP has noted that the company does not seem to have drawn up ethical guidelines for its activities. The NCP therefore urges the company to draw up such guidelines and to apply them in all countries in which it operates. The NCP emphasises that the norms referred to in Recommendation no. 2 in Chapter II of the OECD Guidelines for Multinational Enterprises are international norms and are therefore equally relevant and important in all countries.

POLAND / POLOGNE

A. Institutional Arrangements

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

Polish Information and Foreign Investment Agency
Business Intelligence Department
Ul. Bagatela 12
00-585 Warsaw, Poland

The Polish NPC located in PAIiZ reports to the Ministry of Economy (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). Besides, NCP keeps in touch with embassies, foreign companies, NGOs and individuals interested in the Guidelines.

B. Information and Promotion

The Guidelines for Multinational Companies are translated into Polish and are available in a 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 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 PAIiZ publications situated near the conference room in the Agency building and are available for every potential investor visiting PAIiZ. Thirdly, *Guidelines* are available from the NCP upon request in electronic and printed version.

The Polish NCP stays in contact with 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, NGOs and social partners. They concern both the Guidelines, the NCP's procedures and matters connected with special instances. Co-operation with the public includes contacts with individuals such as employees of embassies and ministries, consulting firms, students of law and economics 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 during meetings. Enquires concerned the Guidelines, the NCP's procedures and activities of the Polish NCP. The questions asked mean that the NCP is known among the society (individuals approaching the NCP disposed of previous knowledge about the Guidelines) and that there is an interest in the Guidelines.

To make sure that new investors coming to Poland would be informed about the Guidelines, the NCP provided a workshop for people servicing investors in 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 as specific instances. Larger promotional activities are planned in autumn 2006 and are connected to the 10th anniversary of Poland joining the OECD.

Polish NCP took part in the FES-Poland and OECD Watch seminar called “Training seminar on OECD Guidelines” held in Warsaw at the end of April 2006. The participants of the “Meeting the NCP” session discussed numerous topics concerning the NCP’s activities, problems and concerns. The conference gave the Polish NCP a chance to acquire new ideas on how to shape the NCP activities and handle some problems in the future. Additionally, the NCP takes part in the process of Poland’s examination under the OECD convention on combating bribery of foreign public officials in international business transactions.

The NCP took also part in the conference organized by Forum Odpowiedzialnego Biznesu (NGO dealing with responsible business). The conference highlighted the importance of the CSR in day to day business activities. Numerous companies presented their best practices in the field of CSR. The NCP took this opportunity to talk to representatives of companies, mostly the foreign ones, on ethical business and familiarity of the Guidelines.

C. Implementation in specific instances

A new specific instance was raised to the NCP at the end of April 2006. It involved a claim by the board of trade union “Solidarity” about a situation in a foreign company from the food processing sector. The board of the Polish subsidiary is accused of infringing the regulations of the IV chapter of the Guidelines. According to the claim, the board failed to engage in constructive negotiations to reach agreement with the trade union representatives. Additionally, sexual harassment and unfair dismissal of several women took place. In this case parallel legal proceedings are underway. NCP stays in contact with both sides. As the instance is very new, it will be considered further in the next reporting year.

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 conducted promotional activities aimed at making Guidelines more accessible for investors, through 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 behavior 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 its 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. +351 217 909 500 // +351 217 909 351 //
Fax +351 217 909 593
Emails: icep@icep.pt / paula.rodrigues@icep.pt
Web: www.icep.pt/empresas/dirempmulti.asp
ICEP Portugal is a public institute (agency) depending directly from the Ministry of Economy and Innovation.

A. Institutional Arrangements

- As far as institutional arrangements are concerned, there is no relevant information to provide.
- ICEP Portugal keeps working in close cooperation 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 directly collaborating 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 contacts with 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 quite aware of the importance of a responsible corporate behaviour.
- In terms of promotion, information was given to entrepreneurial representatives and social partners aiming at reinforcing the effectiveness of guidelines implementation, as a way of good governance.
- No update is necessary to Table 3.
- No enquiries were received.

C. Implementation in specific instances

- No specific instances were reported.

D. Other

- In Portugal, the subject does not raise much interest in social partners.

ROMANIA / ROUMANIE

This present report of the Romanian National Contact Point is presented to the Investment Committee in accordance with the Common Reporting Framework for Annual Reporting by the National Contact Points for the period June 2005 – June 2006.

The Government of Romania has established a National Contact Point for the Guidelines, in order to help the implementation and promotion of the Guidelines in Romania and make them better known to business, labour and other interested parties.

A. INSTITUTIONAL ARRANGEMENTS

In December 2004, Romania became eligible for adherence to the OECD Declaration on International Investment and Multinational Enterprises after a full examination of its foreign direct investment policies.

In February 2005, the OECD published the study OECD Investment Policy Review Romania as a result of a collective effort from Romanian officials and experts, the 38 government adherents to the Declaration, the Investment Compact for South-East Europe and the OECD Secretariat.

In April 2005, it took place the exchange of the official letters between the OECD and Romania that constitutes the agreement between the Organisation and the Government of Romania, by which Romania has accepted the provisions set in the Declaration and the rights and obligations related.

The Romanian National Contact Point was established by Government Decree No. 420/12 May 2005, published in the Official Gazette of Romania No. 411/16.05.2005, as binding element for the application of the OECD Guidelines for Multinational Enterprises. The Romanian National Contact Point (RNCP) is responsible for encouraging the observance of the OECD Guidelines for Multinational Enterprises in the national context and for disseminating information on these to the business communities and to other interested parties. The Romanian National Contact Point gathers the information regarding the national experiences of the OECD Guidelines promotion, discusses the questions raised by business community regarding the Guidelines and assists their solving. When there are specific issues regarding the business behavior related to the Guidelines implementation, the RNCP is responsible for supporting their solving. Any physical or juridical person may contact the RNCP concerning any Guidelines request.

Therefore, the establishment of the Romanian National Contact Point is in accordance with the Romanian statute of adhering country to the OECD Declaration on International Investments and Multinational Enterprises. The RNCP provides a forum for discussion and assists the business community, trade unions and other parties concerned to deal with the issues raised in an efficient and timely manner and in accordance with the applicable law.

The headquarter of the Romanian National Contact Point is within the Romanian Agency for Foreign Investments. The contact details are the following:

Romanian Agency for Foreign Investments, 22 Primaverii Blvd, district 1, Bucharest;
phone: +40 (021) 233 91 62;
fax: +40 (021) 233 91 04;
e-mail: pnc@arisinvest.ro.
Web-site: <http://www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC>

The Structure of the Romanian National Contact Point

The Coordination of the Romanian National Contact Point is ensured by the State Minister in charge with the coordination of the activities in the field of business environment and small and medium-sized enterprises, together with the responsible person for the relation between Romania and OECD, assigned by the Minister of Foreign Affairs.

The executive function is ensured by persons designated by the State Minister in charge with the coordination of the activities in the field of business environment and small and medium-sized enterprises and the President of the Romanian Agency for Foreign Investments.

The technical secretariat is ensured by designated persons from the Romanian Agency for Foreign Investments and the Ministry of Foreign Affairs. .

The Romanian National Contact Point has in its structure decision-making representatives of the following institutions: Ministry of Foreign Affairs, The Cabinet of the State Minister in charge with the coordination of the activities in the field of business environment and small and medium-sized enterprises – the Business Environment Unit, Ministry of European Integration, Ministry of Public Finances, Ministry of Justice, Ministry of Education and Research, Ministry of Labor, Social Solidarity and Family, Ministry of Economy and Commerce, Ministry of Transport, Constructions and Tourism, Ministry of Environment and Waters Management, Romanian Agency for Foreign Investments, National Agency for Small and Medium Sized Enterprises and Cooperation, Romanian Academy – National Institute for Economic Research, employers' associations, Chamber of Commerce and Industry of Romania and Bucharest.

Depending on the issue under debate within the Romanian National Contact Point, the consultation process is extended to other representatives from governmental and nongovernmental institutions, employers' associations and civil society. (e.g. Foreign Investors' Council, Investment Compact Regional Office Bucharest, European Commission Delegation in Bucharest, World Bank Representative Office in Bucharest, Competition Council, Stock Exchange Commission, Authority for State Assets Recovery, EXIMBANK SA, etc).

B. INFORMATION AND PROMOTION

According to the G.D. No. 420/12 May 2005, the Romanian National Contact Point is implementing and promoting in a pro-active manner the OECD Guidelines for Multinational Enterprises..

The first meeting of the Romanian National Contact Point was held on May 24th, 2005. The first meeting of the Romanian NCP took place on the occasion of its official opening; a press conference has also been held. On this occasion, the following documents have been distributed: informative materials on its role and attributions, the OECD Guidelines for Multinational Enterprises and the resolution of some issues that arise related to the implementation of the Guidelines in specific instances.

The Romanian National Contact Point's activities from its establishment until present have focused on promoting its role, responsibilities and structure as well as on the content of the OECD Guidelines for Multinational Enterprises.

The Romanian National Contact Point webpage was created on the Romanian Agency for Foreign Investment site (www.arisinvest.ro) and includes information in Romanian and English such as: the RNCP's role, responsibilities, structure, Resolution of Issues Related to the Implementation of OECD Guidelines, the OECD Investment Policy Review on Romania, the OECD Guidelines for Multinational Enterprises, useful links and contact coordinates.

During the period under consideration, the Romanian National Contact Point developed an information and promotion campaign directed towards: the central and local public authorities, multinational companies, Foreign Investors Council in Romania, regional development agencies, local and bilateral chambers of commerce, foreign embassies in Bucharest and Romanian embassies abroad, employers' associations, labor unions, professional associations. Promotion letters and acknowledgements about the webpage of the Romanian National Contact Point and the OECD Guidelines for Multinational Enterprises were sent to the all above mentioned entities.

At the same time, the representatives of the Romanian National Contact Point attended and made a presentation about its role, attributions, function and the OECD Guidelines for Multinational Enterprises to the Cartel Alfa Trade Union seminar on Corporate Responsibility. Considering the opportunity given by the cooperation with universities, the Romanian National Contact Point presented the OECD Guidelines for Multinational Enterprises and facts related to the national contact points in general and in particular in Romania's case at a master course within the Academy of Economic Studies in Bucharest. A similar presentation was held at the National Institute of Administration.

A leaflet presenting the RNCP and the OECD Guidelines for Multinational Enterprises was edited and presented at the first Annual Conference of the Romanian National Contact Point that gathered representatives of central and local public authorities, large multinational companies, the Foreign Investors Council in Romania, regional development agencies, local and bilateral chambers of commerce, employers' associations, labor unions, professional associations.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Regarding this issue, on the webpage of the Romanian National Contact Point (<http://www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC>) there are presented clarifications concerning the resolution process of issues that arise related to the implementation of the OECD Guidelines for Multinational Enterprises in specific instances.

Since it was established the Romanian National Contact Point received three enquires from the business community, but two cases didn't refer to the OECD Guidelines for Multinational Enterprises.

One request concerned the support for the stay permit in Romania for a foreign citizen that ensured the technical assistance to the production unit of a foreign company. Although the case was not of the Romanian National Contact Point's competence, the official point of view of the Romanian authorities in charge, respectively the Authority for Foreigners and the Ministry of Labor, Social Solidarity and Family was sent. The second request concerned the situation of a building. Although the case was not of the Romanian National Contact Point competence, the official point of view of the Romanian authority in charge, respectively the State Domains Agency, was sent.

The third request sent to the Romanian NCP on December 9, 2005, concerned the situation of two trade unions affiliated to a trade unions confederation. The request claimed that the company's management conduct in relation with the two trade unions, fell under Chapter IV "Employment and Industrial Relation" guidelines no. 1 a), 7 and 8 from the OECD Guidelines for Multinational Enterprises. The company activity is run in Romania in the steel industry. The case was also following a parallel legal proceeding.

After a serious analysis, the case was not taken over by the Romanian National Contact Point. The reasons taken into consideration by the Romanian National Contact Point were the following:

- The adversity of the parties involved in the case, thus being questioned the objective of the Romanian NCP to provide good offices and also the availability of the parties to take part in discussing the case within the Romanian NCP;
- The limited resources and information available to Romanian NCP compared with the parallel legal proceeding and in this light the impossibility to provide more value added;
- The nature of the proceeding, under the Romanian law being possible to consider it an immixture in justice.

D. OTHER ISSUES

The core criteria of visibility, accessibility, transparency and accountability for the operation of the Romanian National Contact Point have been applied to further the effectiveness of the OECD Guidelines for Multinational Enterprises. The Romanian NCP webpage was created on the Romanian Agency for Foreign Investment site, including the Guidelines in English and Romanian language. The Guidelines were also presented within a master course at the Academy of Economic Studies in Bucharest and National Institute for Administration. A leaflet including the presentation of the OECD Guidelines for Multinational Enterprises was edited and presented at the first Annual Conference of the Romanian National Contact Point that gathered representatives of: central and local public authorities, important multinational companies, the Foreign Investors Council in Romania, regional development agencies, local and bilateral chambers of commerce, employers associations, labor unions, professional associations.

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

National Contact Point of the Slovak Republic – NKM SR	Phone: +421-2-48541610
Odbor podnikateľského prostredia MH SR, Mierova 19	Fax: +421-2-48543613
827 15 Bratislava	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, the NKM is under the Division of Strategy, Department of Business Environment.

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 an 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 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. 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 request 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 the 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

A. Institutional Arrangements

The Slovenian National Contact Point is located within the Ministry of the Economy:

Mr. Dimitrij Grcar
Spokesperson
Ministry of the Economy
Kotnikova 5
1000 Ljubljana

tel: + 386 1 478 3553, 478 3521

fax: + 386 1 478 3611

e-mail: dimitrij.grcar@gov.si / slonkt.mg@gov.si

Following the change of government in Slovenia in late 2004, the new Minister of Economy, responsible for OECD relations had instructed that operationalisation of a functioning NCP in Slovenia was a priority goal. Accordingly an Action Plan was adopted for OECD related activities in the Ministry of the Economy, with the NCP as a focal point. Discussions have taken place with potential partners in an NCP structure, information has been broadly disseminated on the relevance of an NCP coordination body in Slovenia. Information was gathered on the organisation and performance of NCPs in countries comparable to Slovenia. However, a formal institution of a coordinating body has not taken place, to date. This is an ongoing project for the Ministry of Economy.

B. Information and Promotion

A link to information on the National Contact Point and to the OECD website has been created on the website of the Ministry : <http://www.mg-rs.si/>.

C. Implementation in specific instances

No cases have been received to date.

SPAIN / ESPAGNE

A. Organisation institutionnelle

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.sccc@mcx.es

Nous avons relevé (et corrigé) quelques erreurs aux annexes 1 et 2 de ce rapport.

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

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.

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.

Plusieurs ONG sont convoquées à des réunions du PCN et y assistent régulièrement.

B. Information et promotion

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.

Le site web actuel est en cours d'amélioration. D'autre part, le PCN a réservé un nouveau domaine sur internet afin de construire un site indépendant de celui du Ministère de l'Industrie, du Tourisme et du Commerce.

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.

Le PCN a participé au « IIème Forum : l'Amérique Latine sur la scène économique internationale : l'investissement et l'éducation pour le développement », organisé par l'Université Rey Juan Carlos de Madrid et à une journée sur « La Responsabilité Sociale des

Entreprises : une pratique en croissance » organisée par le Conseil Supérieur des Chambres de Commerce Espagnoles.

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

Le PCN intervient toujours dans les cours de formation des Conseillers Économiques et Commerciaux et des analystes des investissements des Ambassades d'Espagne, pour leur fournir des renseignements plus détaillés sur les Principes directeurs, ainsi que dans ceux qui s'adressent aux nouveaux fonctionnaires des corps supérieurs des Ministères de l'Économie et de l'Industrie, du Tourisme et du Commerce.

L'Annexe 3 est inchangé.

Plusieurs ONG ont contacté le PCN pour lui apporter diverses informations sur les activités de différentes entreprises espagnoles en Amérique Latine. Deux des affaires qui nous ont été rapportées pourraient entraîner de futurs cas spécifiques, les situations n'étant pas encore suffisamment mûres.

C. Mise en oeuvre dans des circonstances spécifiques

Le PCN n'a été saisi d'aucun cas spécifique pendant la période 2005-2006.

D. Divers

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.

Les activités du PCN se déroulent de façon très satisfaisante grâce aux bonnes relations établies avec d'autres Ministères, les partenaires sociaux et un nombre croissant d'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:

Ministry for Foreign Affairs:

Department for International Trade Policy

Department for Development Policy

Ministry of Industry and Trade

Ministry of Environment and Sustainability

Organisations:

IF 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 Trade Federation (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 has revised 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, over 40 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 2005 and May 2006. 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, for example seminars and workshops. 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. Over 40 seminars and nine 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, Business and human rights, Corporate responsibility and business law 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.

17 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, KPA, SJ and Svea Skog.

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 organised a Nordic NCP-meeting also inviting NCPs' from the Baltic countries. The theme was how to promote the Guidelines and how the Nordic-Baltic countries can find areas for cooperation. It was decided that this year Estonia chair the Nordic-Baltic meeting.
- 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, in Sweden and abroad He has, for example, made presentations at Swedish universities and also giving speeches on importpromotion seminar in Nicaragua and Guatemala.

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. The Confederation of Swedish Enterprises organized 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 Trade Federation is a private organization for importers, traders, wholesaler and retailers. Ethics in trade and corporate social responsibility are key topics in their dialogue with members and potential suppliers to Swedish companies and the Swedish market. The Federation is actively promoting the Guidelines in their activities for member companies and in seminars abroad for foreign companies. During the last year seminars of this kind have been held in 15 different countries.

The Swedish Trade Union Confederation has been promoting the OECD Guidelines through their international committee, and gives information on the OECD Guidelines in education programmes for trade unionists within their member unions.

The Swedish Confederation of Professional Associations (SACO) organized a two day seminar on globalization for National Officers. A key-element was the presentation of the OECD Guidelines for Multinational Enterprises.

SIF and IF Metall organized a joint seminar on Framework Agreements partly focusing on Core Labour Standards such as the OECD Guidelines.

SACO participated in ETUC seminar in Brussels on CSR Which perspectives? with a presentation of the current work within the Swedish National Contact Point and the ongoing promotion of the OECD Guidelines. The ETUC seminar focused on a trade union response to the EU Commission activities on CSR.

The Swedish Association of Graduate Engineers participated in a joint seminar with Union Network International on Offshore Outsourcing in the European IT Industry, Antwerp. The seminar partly focused on working conditions and Core Labour Standards in the destination country and linked to that a Swedish presentation of the OECD Guidelines.

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 Swedish Minister for Trade and Industry hosted a side event during the WTO Ministerial Meeting in Hong Kong, December 2005. "Strengthening the responsible competitiveness of countries and companies in a globalised world".
6. The ambassador and head of the Swedish Partnership for Global Responsibility has participated in an importpromotion delegation to Jordan, as well as bilateral dialogue with Thailand and South Africa where the value of the Guidelines were highlighted. Furthermore the guidelines were discussed and promoted during a bilateral cooperation

with the US, including both government and non-government entities. And also as main speaker at Chatham House in London the importance of the OECD guidelines where one of the main topics raised.

7. A Swedish business delegation, headed by the State Secretary of Ministry for Trade and Industry, to Ghana in February 2006 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). The Swedish Partnership has also co-financed a study on "Corporate Responsibility and the business law (IIED). The Partnership produces and disseminate information on CSR. The last years many reports have been released, among them "Global supply chains – Public Sectors Engaged with CSR", "Strengthening the responsible competitiveness of countries and companies in a globalised world", "What do we know about CSR – a sampling of Swedish research in the field".
 9. The Swedish Government launched a national action plan for human rights, 2006-2008, which sets out a coherent approach to human rights issues in Sweden. The communication contains a number of measures aimed at promoting respect for human rights, one is corporate social responsibility.
 10. The Swedish Government has an explicit policy that it should promote sound business behaviour within state-owned companies. 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 ambassador of the Swedish Partnership for Global Responsibility.
 11. In June 2005 the Ministry for Foreign Affairs launched an Action Plan against corruption. The main objectives of the Plan are to raise awareness among the employees of the Ministry and its missions abroad about the negative consequences of corruption and to ensure that there is no corruption in the activities of the Ministry and its missions. Fight against corruption is included as a subject in many courses for employees, in particular to those to be posted abroad.
- 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. En font partie des spécialistes à la fois du domaine traité (par ex. relations de travail, droits de l'homme, environnement) et du pays concerné.

- *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 pour les Principes directeurs de l'OCDE ». Plusieurs unités administratives et une quinzaine d'organisations de partenaires sociaux et de la société civile étaient représentées à la dernière réunion de ce groupe, en mai 2006. Au nombre des organisations intéressées par les travaux du groupe s'ajoutent celles qui s'étaient annoncées, mais ont finalement été empêchées de participer. Le groupe a manifesté le désir de se réunir, dans la règle, une fois par an et, entre les réunions, de rester en contact par voie électronique. Si besoin, des séances extraordinaires pourront également être convoquées.

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 voie de réalisation.

- *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 2005-06, les contacts entre le PCN et les organisations intéressées se sont maintenus à un bon niveau. À côté du « Groupe de liaison », plusieurs rencontres et échanges ont eu lieu avec des associations économiques, des syndicats et des ONG. En outre, les Principes directeurs ont de nouveau été présentés lors de manifestations publiques et privées consacrées à la responsabilité des entreprises. Par exemple, un débat a été organisé par l'association suisse de l'industrie du jouet, au cours duquel il a été en particulier question des conditions de production en Chine et de l'approvisionnement sur ce marché.

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

À nouveau, les Principes directeurs et le rôle des PCN ont été mis en exergue à l'occasion d'un certain nombre de discours prononcés par des ministres ou autres hauts représentants du Gouvernement suisse. De même, les missions économiques et autres visites de hauts représentants du gouvernement à l'étranger, principalement dans les pays en développement, permettent de plus en plus de promouvoir cet instrument.

- *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 ?*

En 2005 et 2006, le PCN suisse a participé à plusieurs échanges de demandes et d'information avec d'autres PCN, que ce soit dans le cadre de consultations concernant l'ensemble des PCN ou qu'il s'agisse d'un point particulier, de nature bilatérale. En outre, des requêtes des milieux d'affaires, organisations syndicales et autres organisations non gouvernementales, de la presse, des milieux universitaires et étudiantins, ainsi que du public continuent de parvenir assez régulièrement au PCN suisse. Notre PCN contribue aussi à des prises de position et réponses du Gouvernement suisse dans lesquelles les Principes directeurs de l'OCDE interviennent à côté d'autres aspects, par exemple lors de questions venant d'entreprises ou d'organisations de la société civile sur la conduite d'activités économiques avec des régions en conflit.

Aucune demande d'information de gouvernements de pays n'ayant pas adhéré aux Principes directeurs n'a été adressée au PCN suisse en 2005-2006.

C. Mise en œuvre dans des circonstances spécifiques

À plusieurs occasions en 2005-06, le PCN suisse est intervenu à des stades préalables à des circonstances spécifiques, en fournissant des informations et des explications. A trois reprises, le

PCN a reçu des représentants de syndicats ou d'ONG étrangers afin d'être informé de griefs concrets et d'exposer le fonctionnement et les moyens d'action du PCN. Aucun de ces cas n'a jusqu'ici donné lieu à une demande de traitement en tant que circonstance spécifique. Dans un cas, relatif au comportement d'une entreprise suisse dans un autre État partie aux Principes directeurs – affaire soumise au PCN local –, un échange d'information a été engagé entre PCN.

Dans un cas, une demande adressée au PCN suisse a été rejetée après examen préalable, aucun lien suffisant n'étant apparu entre les reproches formulés et l'entreprise sise en Suisse visée. Deux autres PCN de pays dont il était question dans la même demande ont été informés de la réaction de notre PCN.

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 ?*

Le PCN suisse s'emploie à promouvoir aussi les Principes directeurs dans des situations concrètes ne faisant pas l'objet d'une demande de traitement en tant que circonstance spécifique ou échappant, pour l'une ou l'autre raison, au strict mandat du PCN.

Illustration d'un tel engagement de notre PCN, le souci qu'il met à rappeler l'importance de la mise en œuvre des Principes directeurs à des entreprises suisses dont l'attitude à l'étranger, selon les informations obtenues (par ex. d'une représentation diplomatique), pourrait être en désaccord avec cet instrument. Plusieurs fois ces dernières années, des interventions dans ce sens (« *proactive approach* ») de notre PCN se sont soldées par des efforts accrus des entreprises approchées.

TURKEY / TURQUIE

A. Institutional Arrangements

- The contact details for the Turkish NCP are as follows:

Deputy Director General	Tel:	90-312-2046619
Undersecretariat of Treasury	Fax:	90-312-2125879
General Directorate of Foreign Investment	Email:	zergul.ozbilgic@hazine.gov.tr
Inönü Bulvarı		ozlem.nudrali@hazine.gov.tr
06510 Emek-Ankara	Web:	www.hazine.gov.tr

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. Also the guidelines and the relevant documents , currently accessible through the treasury website, will soon be promoted via the investment portal of Turkey.
- In the year 2004 the NCP of Turkey asked for the help of the business organisations- that are members to BIAC- , a trade union- member to 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 2005-May 2006, the NCP organised a seminar for the experts of the EU Info Centre of the Small & Medium Industry Development Organization who have direct access to the SME's all around the country.
- Participants of the “ Energy Law and Competition Law” certificate programmes have been informed of the Guidelines. Thus an info session on the Guidelines have been introduced to the curricula of these programmes
- No update is necessary for the Annex 3.
- Any enquiries haven't 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 except for the visit of the UK NCP in September 2005 during his investigation on a specific instance.

C. Implementation in specific instances

No specific instance was received during the June 2005-2006 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 Operations Branch of the Department of Trade and Industry (DTI). The full contact details are:

UK National Contact Point
 Department of Trade & Industry
 Trade Operations Branch
 Europe and World Trade Directorate
 Bay 4141
 1 Victoria Street
 London SW1H 0ET

T: 020 7215 5057

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, Department for International Development and other Government Departments as necessary. To aid this process an Interdepartmental Committee was established in April 2006. It is chaired by the NCP and has met twice.

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).

In October 2005, a stakeholder consultation was launched on the NCP's promotion and implementation of the Guidelines. The original for submitting responses was extended at the request of the All Party Parliamentary Group on the Great Lakes and Genocide Prevention to enable its recently established Joint Working Group on Corporate Responsibility to agree and submit a response to the consultation. UK Government is currently considering the responses and a formal response will be issued as soon as possible.

- *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. A number of individual companies and stakeholders have also been met. 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 as soon as possible.

- *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 on which we are keen to build.

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.

UK NCP has kept its webpages updated and, since the last Annual Report, they have received an average of 940 hits per month (the same figure as 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. The booklet will be reviewed and updated by the end of 2006.

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;

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 contact when necessary with other NCPs through meetings at the OECD, supplemented by informal contacts.

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 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.

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 five cases, two 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 two statements. A further case is still under investigation.

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

On the statements, 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. 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:

Mr. Wesley S. Scholz
 Director
 Office of Investment Affairs
 Bureau of Economic and Business Affairs
 Department of State
 2201 C St NW
 Washington, DC 20520
 U.S.A.
 Telephone: 202 736-4274
 Fax: 202 647-0320
 E-mail: usncp@state.gov

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/oeed/>). 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. 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 2005-2006 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 State Department's Bureau of Democracy, Human Rights, and Labor referenced the OECD Guidelines in its 2004 Human Rights Report and also referred to the Guidelines in its contact with a number of U.S. firms and associations in relation to its work on codes of conduct.

- A May 2005 speech by State Department officials at the U.S. Chamber of Commerce's Center for Corporate Citizenship referenced the Guidelines.
- The Guidelines were mentioned as part of a speech by State Department officials at a July 2005 Kenan Institute Luncheon.
- The State Department's Assistant Secretary for Economic and Business Affairs met with UN Special Rapporteur for Corporate Social Responsibility John Ruggie in December 2005 to discuss issues relating to the United States Government's work on CSR issues; part of the discussion included the OECD Guidelines for Multinational Enterprises.
- The Guidelines were included in remarks by State Department officials at an April 2006 meeting of the Washington International Trade Association.
- The Guidelines were referenced in a May 2006 meeting between the State Department officials and a senior delegation from France's Economic and Social Council.

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 2005-2006 period, labor and non-governmental organizations raised three 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 2004-2005, there were a total of six specific instances before the U.S. NCP during 2005-2006. 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, which administers the process under U.S. law for resolving labor disputes.

Early in the 2005-2006 reporting period the U.S. NCP learned that two specific instances dating from the 2004-2005 reporting period had been resolved through the direct negotiations of the parties involved. The two instances were related, both having been raised by the same party against a U.S.-owned firm as well as the firm's financier. This instance involved the provisions of Chapter IV on Employment and Industrial Relations. The party bringing the specific instance withdrew its request for assistance upon the resolution of the dispute and the U.S. NCP considers the issue closed.

With respect to new specific instances, the U.S. NCP received a request from a concerned party regarding Chapter IV on Employment and Industrial relations with respect to the activities of a wholly U.S.-based company that is a supplier to a multinational firm. However, the U.S. NCP to date has not received additional information on the subject that would inform its decision to offer assistance, although there has been correspondence with the NCP of the multinational firm's home country regarding the status of the instance.

There are also two instances that have been raised with the U.S. NCP late in the reporting period that relate to Chapter IV Employment and Industrial Relations. In the first instance, the U.S. NCP is in the process of its initial assessment. In the second instance, the U.S. NCP has determined that the activities in question occurred entirely within the territory of another National Contact Point, and that NCP has agreed to take the lead on the instance, with the U.S. NCP cooperating as necessary.

In addition, there are two additional instances from 2003 that the U.S. NCP continued to address during the 2005-2006 reporting period. One concerned 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 has been informed that the National Labor Relations Board has concluded its process and both parties have accepted the result. The U.S. NCP intends to issue a final statement on the specific instance.

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. We understand that this NCP has prepared a draft statement on their involvement, but to date they have been unwilling to respond to the U.S. NCP's request to be updated on their involvement and their forthcoming report.

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.

It is DG Trade Unit G1, responsible for investment issues and overall coordination of corporate social responsibility for DG Trade, that follows the work of the OECD Investment Committee. The delegate to the Investment Committee is Ms Adeline Hinderer.

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, Health and Consumer Safety and Environment). Reports of the Committee meetings are circulated to all DGs. Corporate social responsibility issues are discussed within an interservice group on corporate social responsibility involving relevant 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. http://trade-info.cec.eu.int/civil_soc/intro1.php. Contacts with relevant stakeholders also take place on an

informal basis at various levels. DG Trade attended the Seminar on ‘Companies in Conflict Zones’ organised by OECD Watch in Paris in September 2005 with a view to contribute to the development of the tool focusing on investors in weak governance zones.

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. Initial information on the project ‘OECD Risk awareness tool for investors in weak governance zones’ was shared with representatives of other Directorates within the Commission in order to prepare the ground for future dissemination.

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 ensure 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.

e) 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, cooperation 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.⁵

Two recent communications from the European Commission published in 2006 point at the importance of international CSR instruments such as the OECD Guidelines.

- ‘Implementing the partnership for growth and jobs : making Europe a pole of excellence on corporate social responsibility’ (COM/2006/0136). Text available on http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0136en01.pdf
- ‘Promoting decent work for all: The EU contribution to the implementation of the decent work agenda in the world’ (COM(2006)249). Text available on http://ec.europa.eu/employment_social/news/2006/may/com_2006_249_en.pdf

⁵ 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/>.

The OECD Guidelines are also referred to several times in the July 2005 European Parliament resolution on the exploitation of children in developing countries, with a special focus on child labour (reference 2005/2004(INI)).

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. The main event where European Commission representatives have promoted the Guidelines is the Flemish diplomatic days on 9-10 January 2006. This event, organised by Flemish Trade Minister Fientje Moerman aimed at raising awareness of existing CSR international texts and instruments among Flanders trade representatives across the world. It allowed representatives from the European Commission and the Belgian NCP representative to raise awareness about the guidelines and their implementation through National Contact Points.

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 oral and written questions related to the OECD Guidelines from academics and non-governmental organisations.

e) Relations with Third Countries

External Trade and Cooperation relations of the EU with Third countries also encompass a CSR dimension. Formal and informal dialogues with third countries enables the Commission to raise sustainable development and corporate social responsibility issues, and to raise awareness on the OECD Guidelines. After the Association Agreement between the EU and Chile (2002), including a reference to the Guidelines⁶, we are pursuing the inclusion of CSR issues and the promotion of the OECD Guidelines in our external trade agreements (for instance, in the EU-ACP Economic Partnership Agreements in the framework of the Cotonou cooperation, and in discussions with Japan within the EU-Japan investment framework etc.).

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.

⁶ 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."