

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

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

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

This document is submitted to delegates for reference under item 2 of the agenda at the 11th Meeting of the National Contact Points on the 27-28 June 2011 [DAF/INV/NCP/A(2011)1]. It is a compilation of the NCP reports submitted by delegations as of 24 June, 2011.

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ARGENTINA / ARGENTINE

A. Institutional Arrangements

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

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

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

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

III) The above mentioned considerations have led the ANCP to formulate a transparent, operative and reliable procedure. This procedure was positively analyzed and evaluated by the technical and legal areas of the Ministry of Foreign Affairs, International Trade and Worship. Considering that the NCP usually involves in its procedure several Ministries and other departments of the executive branch, the following step is the issuing of a decree, that must be signed first by several ministers and then by the President.

B. Information and Promotion

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

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

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

a) September 2009 – Seminar on Corporate Responsibility organized by the Norwegian Embassy in Argentina, supported by the Ministry of Foreign Affairs, International Trade and Worship and the Ministry of Labour, Employment and Social Security . NGOs, Norwegian and Argentinean enterprises also participated in the seminar.

b) October 2009 – Latin American – European Union Forum on Corporate Responsibility and multisector alliances: contribution to competitiveness, innovation and sustainable development.

c) December 2009 – Argentinean NGOs Forum on Corporate Responsibility and the OECD Guidelines for Multinational Enterprises organized by CEDHA (Centre for Human Rights and Environment) and INCASUR (National Institute of Studies and Social Formation of the South).

d) March 2010 – Argentinean NGOs Forum on Corporate Responsibility and the OECD Guidelines for Multinational Enterprises organized by CEDHA (Centre for Human Rights and Environment) and INCASUR (National Institute of Studies and Social Formation of the South).

IV) In September, 2010, the ANCP organized an event (*“Encuentro del PNC Argentino con ONGs: Revisión de las Líneas Directrices de la OCDE para Empresas Multinacionales”*), that took place in the Ministry of Foreign Affairs, International Trade and Worship, to consult different Argentinean NGOs, with regard to the update of the OECD Guidelines for Multinational Enterprises. Many well-known Argentinean NGOs and Government officials from several Ministries attended the event

V) The ANCP usually responds to NGOs’ enquiries regarding Corporate Responsibility.

C. Implementation in specific instances

Specific Instance ACCOR/Recalde – Wortman Jofre

1. The request to consider the specific instance was received on November 28th, 2007

2. The specific instance was raised by National Deputy Dr. Héctor P. Recalde and his legal representative, Dr. Hugo Wortman Jofre

3. The chapters of the Guidelines cited in the specific instance are:

- II General Policies
- IV Employment and Industrial Relations
- VI Combating Bribery

4. The specific instance does not involve business activities in a non-adhering country.
5. Sector of activity: Corporate Services Sector.
6. The specific instance was accepted.
7. The specific instance concluded on March 5th, 2009
8. The outcomes were conveyed to the public through a paid announcement published in two broadsheet newspapers of nation-wide circulation.
9. Throughout the process of Good Offices, the parties worked cooperatively. This made it possible to reach an agreement that the ANCP considers to be mutually satisfactory. The information handled throughout the specific instance corresponded to the written documents presented by the parties during the instance. Besides, the ANCP contributed through proposals of its own and prepared minutes of the meetings that were held. It is hereby stated, for informative purposes, that at the beginning of the instance a parallel judicial process regarding the conduct of an official that had been linked to ACCOR Company already existed, but this situation did not hinder the development of the instance and its adequate conclusion, which was published in the main journals of Argentina.

Specific Instance
SKANSKA/CIPCE

1. The request to consider the specific instance was received on September 19th, 2007
2. The specific instance was raised by The Center for Investigation and Prevention of Economic Criminality
3. The chapters of the Guidelines cited in the specific instance are:
 - VI Combating Bribery
 - X Taxation

4. The specific instance does not involve business activities in a non-adhering country.
5. Sector of activity: Construction.
6. The specific instance was accepted.
7. The specific instance concluded on September 26th, 2008, due to an alleged breaching in the nondisclosure agreement. On May 20th, 2009, a new presentation was made by CIPCE based on alleged new elements considered by them to be in relation to the specific instance. The ANCP attempted to make the enterprise reconsider its position, but the latter was not willing to do so, arguing that it had lost confidence in the NGO's intentions. In conclusion, the specific instance finalized on the 26th of September, 2008.

Specific Instance
SHELL/ INPADE-Amigos de la Tierra

1. The request to consider the specific instance was received on May 28th, 2008
2. The specific instance was raised by The Institute for Participation and Development of Argentina and Foundation Friend of the Earth of Argentina.
3. The chapters of the Guidelines cited in the specific instance are:
 - II General Policies

- III Disclosure
- V Environment

4. The specific instance does not involve business activities in a non-adhering country.

5. Sector of activity: Energy (petroleum).

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

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

The ANCP held separate meetings with both parties. From the beginning, the enterprise did not accept the Argentinean National Contact Point's good offices, arguing that doing so could affect its position in the Argentinean Federal Courts, due to the existence of parallel proceedings of judicial nature on the same matters. The enterprise requested the ANCP to put on hold the proceedings until the resolution of the ongoing judicial causes. Considering the situation, the Dutch National Contact Point suggested that the parties could try to hold a dialogue on the issues that were not covered by the judicial causes, tackling some issues of 'supra legal' nature.

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

The complainants insisted on giving priority to the discussion of the matters included in the complaint as well as any other topic that could possibly arise over the course of this dialogue, even though they were not included in its formal presentation. The enterprise, in turn, expressed again the reason of the existence of parallel proceedings not to accept informal conversations, informing that the company had already been carrying out social development activities in the neighborhood close to the refinery, to help its residents.

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

Specific Instance **ACIJ/FERROSTAAL ARGENTINA S.A**

1. The request to consider the specific instance was received on March 17th, 2011

2. The specific instance was raised by Asociación Civil por la Igualdad y la Justicia (ACIJ)

3. The chapters of the Guidelines cited in the specific instance are:

- II General Policies
- VI Combating Bribery

4. The specific instance does not involve business activities in a non-adhering country.

5. Sector of activity: Provision of Industrial Services.

6. The specific instance was accepted.

D. Other

Some NGOs made contact with the Argentinean National Contact Point to be properly advised on how to make a presentation before the Argentinean National Contact Point. We believe that we will have some more presentations in the near future. However, we do not consider it to be ethical to reveal the identity of the enterprises.

AUSTRALIA/AUSTRALIE

The activities of the Australian NCP (ANCP) during the reporting period have focused on the assessment of specific instances, with business and community consultations, in particular, relating to the update of the OECD Guidelines for Multinational Enterprises.

A. Institutional Arrangements

The NCP for the OECD Guidelines in Australia is a Senior Executive of the Foreign Investment and Trade Policy Division of the Australian Treasury, a Principal Adviser to the Foreign Investment Review Board (FIRB), and also represents the Australian Government on the OECD Investment Committee.

The contact details are as follows:

Australian National Contact Point for OECD Guidelines
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

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

The ANCP holds regular community consultations with business and other members of civil society, including representatives from Non Government Organisations (NGOs). The consultations aim to provide a forum for interested parties to raise issues relevant to the Guidelines with the Australian NCP, to facilitate discussion on OECD Investment Committee work programmes, and to provide ideas and assistance with the promotion of the Guidelines.

The ANCP consults with other national and sub national government agencies if required and seeks expert assistance from those agencies as required.

B. Information And Promotion

Information

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

- The website provides a range of information including: core documents such as the text of the Guidelines and the Risk Awareness Tool; basic procedural information, procedures for lodging specific instances and the NCP's deliberation procedures; links to other relevant websites. The website includes a special section on Guidelines updates where stakeholders can register their interest in being involved in consultations.
- The ANCP is committed to maintaining this website as an effective and a current source of information on the Guidelines in Australia and links to relevant parties;
- A guide to the Guidelines and the role of the ANCP is available which explains the status of the Guidelines in Australia and the role of the ANCP in promoting the Guidelines to business and in dealing with specific instances. The guide is distributed to business and to Government officials who can assist in promoting the Guidelines, particularly officials being posted overseas. The guide is also available on the website.

Promotion

The ANCP wrote to a large number of major business and NGO stakeholders in April 2011 to arrange stakeholder consultations on the update of the Guidelines. Meetings were held in Sydney and Melbourne in May 2011 regarding the update of the Guidelines.

The ANCP held other ad-hoc bilateral meetings with business and NGOs during 2010/2011 on matters of interest to the parties.

Other activities by the ANCP in 2010-11 include:

- Continued promotion of the Guidelines through Australian embassy and consular networks. This includes briefing senior Australian diplomats prior to their postings;
- Including information on the Guidelines on the website of the Australian Government Export Finance and Insurance Corporation (EFIC), and Austrade;
- Provision of information on the Guidelines and the NCP in all foreign investment approvals for business proposals; and
- Participating in corporate social responsibility conferences and meetings hosted by other organizations, such as:
 - Global Compact Network in Australia and Oxfam (Mining Symposium).

C. Implementation In Specific Instances

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

Specific Instances considered by NCPs to date

- A specific instance complaint was lodged by a Mozambique NGO in October 2010 against a dual Australian/UK listed multinational corporation regarding its operations at an alumina smelter in Mozambique. The UK NCP also received the same complaint – it was determined that it would be appropriate that the UKNCP manage this specific instance as the operating division of the dual listed multinational corporation is headquartered in the UK. The UK NCP has advised that the matter has been suspended pending the outcome of a separate mediation process.
- In October 2010 an Australian trade union lodged a specific instance complaint about the employment practices of the Australian domiciled mining/commodity business of a multinational corporation registered in the UK. The complaint also included issues of competitive behaviour of the parent company to the Australian commodity business. This specific instance has yet to be finalised.
- A specific instance was launched in September 2009 a New Zealand trade union and was managed by the New Zealand NCP in cooperation with the Australian NCP. The New Zealand NCP has finalised this matter.
- In June 2009, the ANCP released its final statement on the specific instance involving BHP Billiton and its involvement in the Cerrejon Coal Mine in Colombia. The final statement is available on the ANCP's website. While under the terms of the final statement the ANCP has no further formal role, we have maintained a watching brief on the resolution of this case.
- A specific instance concerning the ANZ Banking Group was raised in August 2006 concerning the provision of banking/financial services to a Malaysian logging company operating in Papua New Guinea. This was concluded in September 2006.

- The GSL specific instance was the first specific instance to be raised with the ANCP since the 2000 review of the Guidelines. The specific instance related to GSL's contact to operate immigration detention centres in Australia. The GSL specific instance was raised in June 2005 and successfully concluded in early April 2006.

D. Other

- The ANCP has been operating in accordance with the core criteria for the operation of NCPs. It has promoted the Guidelines through Australian embassy and consular networks and to foreigners investing in Australia. .
- The planned update of the Guidelines provides an opportunity for further engaging key stakeholders, particularly business, on the Guidelines. This will improve awareness of the Guidelines in Australia.

E. Looking back at the past ten years

- Since the Guidelines were last reviewed in 2000, the ANCP has increased its promotional efforts, establishing a dedicated website and undertaking regular stakeholder consultations. Maintaining and raising awareness of the Guidelines amongst key stakeholders remains an ongoing priority for the ANCP.
- Australia has received six specific instance complaints in the period since the last review in 2000. The handling of these complaints has generally seen an effective outcome for the parties involved.
- Australia's institutional arrangements for managing specific instances have worked well over the past ten years. Australia's government structure allows for a whole of government approach to dealing with specific instances when required.

Australian National Contact Point

May 2011

AUSTRIA/AUTRICHE

A. Institutional Arrangements

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

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

Phone number: +43 1 71100 5180 or 5792

Fax number: +43 1 71100 15101

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

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

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

The Advisory Committee has its own rules of procedure and in the period under review has held 3 meetings (on 29 September 2010, 15 March 2011 and 21 April 2011). The Advisory Committee has discussed all relevant business, as presented by the Contact Point or by the members of the Committee, including the present annual report.

B. Information and Promotion

The OECD Guidelines are available on several Austrian websites, e.g. on a special website of the Federal Ministry of Economy, Family and Youth www.oecd-leitsaetze.at, on the website of the Federal Ministry of Finance

https://www.bmf.gv.at/wipoeuint/exportfrderung/investierenimauslan_8563/_start.htm?q=OECD%20leitsaetze%20für%20multinationale%20unternehmen, and on the websites www.wko.at/eu/handel/oecd.htm and www.akwien.at.

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

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

- a brochure presenting the OECD Guideline

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

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

C. Implementation in specific instances

There have been no specific instances in the period under review.

BELGIUM/BELGIQUE

A. Organisation Institutionnelle

Le Point de Contact National belge se situe au sein du SPF Economie, PME, Classes moyennes et Energie,
Direction Générale Potentiel Economique,
Rue du Progrès 50
1210 Bruxelles
Belgique
Tél. : 0032 2 277 72 82
Fax : 0032 2 277 53 06
E-mail : colette.vanstraelen@economie.fgov.be

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

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

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

Un représentant des services publics fédéraux cités ci-après :

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

Un représentant de chaque autorité régionale :

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

Un représentant des organisations patronales suivantes :

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

Un représentant des organisations syndicales suivantes :

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

B. Information et Promotion

Comme expliqué dans les rapports précédents, le PCN belge utilise comme principales sources d'information un site internet et un dépliant. Ce dernier a pour objectif de faciliter la diffusion d'informations sur toute une série d'événements organisés autour de thèmes différents des Principes directeurs de l'OCDE mais qui y sont néanmoins liés.

En outre, une grande quantité d'énergie a été consacrée à l'actualisation des Principes directeurs de l'OCDE. Pour mener à bien cette actualisation, il a été nécessaire de prendre régulièrement contact avec plusieurs interlocuteurs, ce qui, d'une certaine façon, peut également être considéré comme une action de promotion.

C. Mise en Œuvre dans des Circonstances Spécifiques

Un dossier introduit par une ONG au printemps 2010 a subi quelque retard en raison de l'éruption volcanique en Irlande et de la paralysie du trafic aérien qui s'en est suivi. Ce dossier a déjà été évoqué dans le rapport de l'année passée. Il s'agissait d'un dossier concernant une entreprise du secteur du dragage qui mène des activités en vue de la construction d'un port en Inde.

Ce dossier a été clôturé par la publication d'un communiqué de presse qui contient une série de recommandations à l'attention des différentes parties.

Un deuxième dossier a été introduit en décembre 2010 par le Ministre pour l'Entreprise. Il concerne les activités d'une entreprise dans le « secteur du transport de fonds ». L'analyse et la médiation portaient principalement sur le chapitre IV. Étant donné l'urgence, le PCN a décidé de passer outre la phase d'évaluation et de procéder directement à la phase d'analyse approfondie.

Vu les circonstances bien spécifiques du dossier, lequel fait également l'objet de procédures juridiques en Belgique, aucun accord n'a réellement pu être dégagé. Un communiqué de presse a été publié en janvier 2011.

La Belgique n'a, jusqu'à présent, jamais demandé l'accord des parties pour la publication du communiqué de presse. Toutefois, à la fin de la phase de médiation, les différentes parties savaient déjà clairement quelles informations contiendrait le communiqué.

En décembre 2010, une ONG a introduit un dossier concernant les activités d'une entreprise belge au Cameroun.

Des dossiers ont été introduits en France et au Luxembourg pour la même affaire. En concertation avec les PCN français et luxembourgeois, il a été décidé que la France serait la plus à même de se charger de l'affaire.

D'après les contacts réguliers que nous avons eus avec le PCN français, il s'avère que l'évaluation n'est pas encore terminée.

D. Divers

Le PCN accorde une grande importance aux critères de base, à savoir la visibilité, l'accessibilité, la transparence et la responsabilité.

Néanmoins, cette dernière année, le PCN a dû consacrer une grande partie de son énergie à l'actualisation des Principes directeurs, jugée comme une tâche prioritaire.

BRAZIL/BRÉSIL

A. Institutional Arrangements

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

Other ministries are also full members of the NCP: the Ministry of Foreign Affairs, the Ministry of Labour and Employment, the Ministry of Planning, Budget and Management, the Ministry of Justice, the Ministry of Environment, the Ministry of Science and Technology, the Ministry of Development, Industry and Trade, the Ministry of Agriculture and the Brazilian Central Bank. In addition, if any specific case demands further representation of any other public institution, the Brazilian NCP is authorized to invite it to participate in its meetings. An invitation can even be extended to join the NCP group on a permanent basis.

The fact that the NCP in Brazil has a widespread representation among government entities enables the group to count with specialized feedback in almost all relevant areas covered by the Guidelines.

Name of Responsible Officer: Brazilian National Contact Point Coordinator

Address: Secretariat for International Affairs - Ministry of Finance

Esplanada dos Ministérios, Bloco “P”, Sala 223

70048-900 Brasília – Distrito Federal - Brasil

Tel: (55-61) 3412 1910

Fax: (55-61) 3412 1722

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

Web: www.fazenda.gov.br/pcn

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

Name of Responsible Officer: Ricardo Guerra de Araujo

Address: Ambassade du Brésil – OECD Liaison Office

34, Cour Albert 1er 75008 Paris – France

Tel: (33-1) 4561 6354

Fax: (33-1) 4289 0345

E-mail: ocde@bresil.org

B. Information and Promotion

The OECD Guidelines and the Implementation Procedures are available in Brazil and the translations of the text into Portuguese are provided in the website of the Ministry of Finance

(<http://www.fazenda.gov.br/pcn>). The NCP has been often contacted through the Internet by organizations and individuals which come across the issue of corporate social responsibility. The website also contains a link to the OECD homepage and to other important multilateral and bilateral agencies, labour union confederations, science and technology institutions, industry and trade confederations, chambers of commerce and industry, consumer protection agencies, among others.

C. Implementation in specific instances

1. Itau/Unibanco

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

Complaint: Induction of conduct of employees during a decided bank strike.

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

Date that specific instance was received: September 2009.

Sector of activity: Banking sector.

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

2. Grupo Santander Brasil

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

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

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

Date that specific instance was received: September 2009.

Sector of activity: Banking sector.

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

3. BASF S.A.

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

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

Norm: Chapter IV of the OECD Guidelines.

Date that specific instance was received: April 2010.

Sector of activity: Chemicals company.

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

Apart from these complaints, the Brazilian NCP received, in 2010, four new complaints of noncompliance with the Guidelines related to different multinationals located at Brazilian territory. All complaints are under analysis by the Interministerial Group of the NCP but an information of acceptance was not yet given to the complainant. In consequence, according to NCP Resolution N° 01/2007, their disclosure remain confidential aiming not to unduly affect the parties’ image.

In the period being reported, the Brazilian NCP has focused its activities on the Revision of the Guidelines and due to the limitations of human resources at the office, the complaints had not the expected progress.

The Brazilian NCP realises that a number of cases from previous years are still pending conclusion, but due to the fact that the new complaints were filed in a context of limited available resources, the Brazilian NCP decided to take a pragmatic approach and focus on the new cases and on institutional activities. The old complaints are expected to be gradually concluded.

Updates have been made at the Annex 4 of the Report

D. Other

The Brazilian NCP Resolution will be updated in order to adapt its coverage to the additional guiding principles in the Updated Guidelines.

CANADA

1. Introduction

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

As a member of the OECD and signatory to the Guidelines, Canada is obligated to establish a National Contact Point (NCP). The role of the NCP is to promote awareness of the Guidelines and ensure their effective implementation. This report provides a summary of the activities undertaken by Canada's NCP in the past year (June 1, 2010 – May 31, 2011).

2. The Canadian Policy Context

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

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

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

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

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

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

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

The four pillars of the strategy were described in the 2009 NCP annual report. There have been a number of key developments in the implementation of the strategy since its announcement.

The first pillar of the strategy involves supporting initiatives to enhance the capacities of developing countries to manage the development of minerals and oil and gas, and to benefit from these resources to reduce poverty. The Canadian International Development Agency (CIDA) is the lead for this pillar. As specified in the CSR Strategy, CIDA has created an internal focal point with expertise in extractive sector development issues and continues to provide support to developing countries to enhance their capacity to manage their extractive sectors. The Andean Regional Initiative Promoting Effective CSR will be implemented in Bolivia, Colombia and Peru, and intends to strengthen regional and local governments and community capacity to plan, develop and implement sustainable development projects for the well-being of the communities, and will enhance communities' capacity for engagement with extractive sector firms.

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

- a) International Finance Corporation (IFC) Performance Standards on Social & Environmental Sustainability for extractive projects with potential adverse social or environmental impacts;
- b) Voluntary Principles on Security and Human Rights (Voluntary Principles) for projects involving private or public security forces; and,
- c) Global Reporting Initiative (GRI) for CSR reporting by the extractive sector to enhance transparency and encourage market-based rewards for good CSR performance.

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

Canada took over from the United States as Government Chair of the multistakeholder initiative the Voluntary Principles on Security and Human Rights on March 23, 2011. Canada joined the Voluntary Principles in March 2009, and became a full member in 2010. The Voluntary Principles are both a CSR tool and a multi-stakeholder organisation that provide guidelines to help extractive sector companies anticipate and mitigate most human rights risks related to the deployment of public and private security for the protection of their operations. Canada's term as chair will culminate in a March 2012 Plenary meeting in Ottawa.

The IFC is in the process of revising the Performance Standards on Social & Environmental Sustainability. A period of public consultation with interested stakeholders ended in March. The document is to be forwarded to the Board of Directors, which will provide final approvals of the revised Performance Standards in May. Through its Executive Director's office, Canada has been following the discussions and providing views throughout the process.

With regards to GRI, it is about to launch a renewal and update of the G3 guidelines. The resulting new set of guidelines, which will be known as G4, is expected to provide guidance on integrated reporting, better support for auditing and assurance purposes, better guidance for governance reporting, and a user-friendly

format for SMEs. Building on its long history of promoting sustainability reporting and disclosure to Canadian business, Industry Canada (IC) will promote GRI to Canadian business, and facilitate and coordinate Canadian input into the international consultations for the development of G4 over the next two years.

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

The fourth component of the strategy involves the establishment of the Office of the Extractive Sector CSR Counsellor (“Counsellor”) to assist stakeholders in the resolution of CSR issues pertaining to the activities of Canadian extractive sector companies abroad. The mandate of the Counsellor relates exclusively to the activities of Canadian extractive sector companies operating abroad. The Counsellor reviews the CSR practices of Canadian extractive sector companies operating outside Canada and advises stakeholders on the implementation of the endorsed CSR performance guidelines. The endorsed CSR performance guidelines are: the OECD Guidelines for Multinational Enterprises, the International Finance Corporation Performance Standards, the Voluntary Principles on Security and Human Rights, and the Global Reporting Initiative. The Counsellor reports directly to the Minister of International Trade.

The Counsellor and the NCP operate as two separate and distinct bodies. Canada’s NCP remains the primary authority with respect to the OECD Guidelines and continues to be responsible for promoting the effective implementation of the Guidelines across all industry sectors, as well as reviewing any specific instances which it receives, including those in the extractive sector. The Counsellor and the NCP ensure that overlapping activities are closely coordinated. A protocol has been developed to address communications between the two entities. The Office of the Counsellor website is www.international.gc.ca/csr-counsellor. The Counsellor’s review process was launched in October 2010. The Counsellor’s first annual report was issued in February 2011 and is available on the website.

4. Institutional Arrangements

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

The NCP is an interdepartmental committee composed of eight departments chaired by the Department of Foreign Affairs and International Trade (DFAIT) at the Director-General level. The NCP is composed of eight member departments. Other members are: Natural Resources Canada (NRCan), Industry Canada (IC), Human Resources and Skills Development Canada (HRSDC), Environment Canada (EC), Finance Canada (FIN), the Canadian International Development Agency (CIDA), and Indian and Northern Affairs Canada (INAC), which formally joined the NCP in 2010 and contributes valuable expertise relating to indigenous peoples issues. The Secretariat of the NCP is located in the Trade Commissioner Service Support Division of DFAIT.

The Trade Commissioner Service Support Division has a team that advises trade commissioners in Canada and abroad on CSR and related issues. Given the trade commissioners' usage of extensive networks both domestically and abroad, Canada's NCP has been able to raise awareness of the Guidelines and effectively promote their implementation.

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

The Canadian NCP engaged in several activities during the year aimed at "capacity-building". On December 3, 2010, the NCP invited a speaker to present a workshop to the NCP on prevention and resolution of conflicts in CSR-related conflicts. Similarly, on December 6, 2010, a member of the Canadian NCP Secretariat attended a meeting in London, U.K of the NCPs of the U.K., Norway, and the Netherlands. The meeting was held for purposes of discussing the treatment of specific instances and best practices.

5. Information and Promotion

5. a. Information and Promotional Tools

The Canadian NCP website is a useful tool for promoting the Guidelines (www.ncp.gc.ca (English), and www.pcn.gc.ca (French)). It has also become an efficient way to communicate information on the Guidelines to overseas missions. Canadian embassies, high commissions and other DFAIT offices in Canada and abroad have been informed of the Guidelines and the importance of this instrument for the promotion of CSR. Overall, the website offers a convenient point of reference for a growing number of Canadian organizations and businesses that are seeking information on CSR.

Various other federal government websites promote the Guidelines, including DFAIT's CSR web site (www.csr.gc.ca), and the sites of other departments and agencies, such as IC and NRCan. DFAIT's Trade Commissioner Service also has an internal website (intranet) which promotes CSR among departmental employees.

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

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

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

5.b. Promotional Activities

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.

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

Canadian embassies, high commissions and other Government of Canada offices domestically and abroad provide support and services to Canadian firms interested in expanding their international business operations. The Government of Canada's commitment to the OECD Guidelines and CSR, along with the government's expectations to both Canadian and local business audiences as well as relevant stakeholders are communicated to businesses through these offices.

Officials from all the departments in Canada's NCP have participated in a variety of workshops, forums and conferences where they have made reference to the OECD Guidelines and the NCP. These fora include:

- the Prospectors and Developers Association of Canada International Convention;
- workshops and information sessions for heads of missions and trade commissioners;
- CSR workshops in various parts of the world;
- international multistakeholder venues, including at the UN;
- international fora, such as the Intergovernmental Forum on Mining;
- the Inter-American Development Bank Annual Meeting and Business Forum;
- presentations to visiting delegations; and,
- internal training, workshop and seminars.

The various departments have also been involved in preparing a variety of communications and marketing materials, including pamphlets and posters, to promote the OECD Guidelines and the CSR Strategy. Furthermore, several departments, including DFAIT and IC have websites that make specific reference to the OECD Guidelines.

5.c. Updating the Guidelines

Leading up to the Terms of Reference for the Update to the OECD Guidelines, the Canadian NCP undertook a stakeholder consultation process in order to develop its position. In total, twenty-one umbrella organizations representing various groups of interest were consulted formally, including through letters, e-mails and direct interactions. Groups included industry associations, labour associations, academia, aboriginal groups, and other interested non-governmental organizations.

Following the issuance of the Terms of Reference, the Canadian NCP continued to undertake a number of activities to ensure that Canada's negotiating position benefited from a broad range of perspectives. Most notably, in September 2010, the Canadian NCP hosted a one-day meeting in Ottawa with a number of representatives from industry, labour and civil society organizations, in addition to several Federal

government departments. This session helped develop Canada's position on key issues and led to the recommendation proposal put forth by Canada surrounding stakeholder engagement. Throughout the entire process, individual stakeholder groups were contacted as specific issues arose, and debriefing sessions were held following negotiating sessions.

6. 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, academic institutions and students looking for information on Canada's experiences with the Guidelines. Other inquiries come through meetings with businesses or NGOs. Canadian embassies, high commissions, and other DFAIT offices in Canada and abroad have also requested information on the Canadian NCP. Often such inquiries are about the nature of the Guidelines and their possible application in certain situations. As well, the Guidelines are occasionally raised in public correspondence with Ministers.

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

7. Specific Instances

The Canadian NCP dealt with four specific instances during the 2010-2011 period.

7.a. Guatemala

The Final Statement of the Canadian National Contact Point on the Notification dated December 9, 2009, concerning the Marlin mine in Guatemala, pursuant to the OECD Guidelines for Multinational Enterprises is reproduced in Appendix A of this report.

7.b. Mongolia

The National Contact Point for the OECD Guidelines for Multinational Enterprises Summary of Initial Assessment of Request for Review Oyu Tolgoi Mining Project is reproduced in Appendix B of this report.

7.c. Papua New Guinea

On March 1, 2011, the NCP received a request for review submitted by two community organizations and one Canadian NGO in relation to the operations of a mine by a Canadian company in Papua New Guinea. The NCP has acknowledged receipt of the request for review and is proceeding with an initial assessment.

7.d. Zambia

On April 11, 2011, the NCP received a request for review submitted by two NGOs in relation to the operations of a company in Zambia. One of the shareholders in the company is a Canadian company. The request for review was also sent to the NCP of Switzerland. The NCP has acknowledged receipt of the request for review and is in communication with the Swiss NCP.

8. Reflections of the Canadian NCP

In the treatment of several specific instances the NCP came across of a number of challenging questions. The question of how an NCP should proceed in such circumstances is relevant to the question of functional equivalence among NCPs.

One dilemma arose in a situation where the notifiers submitted a request for review in which they indicated at the outset that they were not interested in facilitated dialogue with the company. The Canadian NCP could have dismissed the matter and not undertaken an initial assessment on the basis that the notifiers were specifically rejecting the NCP's principal function and *raison d'être*. However, the Guidelines also stipulate that NCPs are expected to contribute to the resolution of issues that arise relating to the implementation of the Guidelines. One of the benefits of the NCP process is that it may serve as a channel and facilitate the exchange of information between the parties where there had previously been no direct communication. Moreover, parties may change their position. The Canadian NCP decided to initiate the process outlined in the OECD Guidelines and conduct an initial assessment as it believed that it might contribute to the resolution of the dispute.

Similarly, how should an NCP deal with a situation where a notifier who does not wish to engage in facilitated dialogue requests that the NCP conduct a field visit for the purposes of fact-finding? While a mediator's chances of achieving a successful outcome may be enhanced with a thorough understanding of the facts, what benefit would be served by such a field visit if there is to be no mediation?

Furthermore, in circumstances similar to those described above, it is not clear, under the current provisions of the Guidelines, whether the NCP is required to issue a final statement. Paragraph C.3. in the "Procedural Guidance" chapter states: *"If the parties involved do not reach agreement on the issues raised,[the NCP will] issue a statement, and make recommendations as appropriate, on the implementation of the Guidelines."*

Paragraph C.3. may be interpreted as assuming that the parties at least attempted to reach an agreement on the issues that have been raised through a dialogue, but not if the offer of good offices was rejected. Nonetheless, the issuance of a final statement in such cases may serve to close the NCP process and provide a record of events.

These questions and other challenges demonstrated that while the general nature of the provisions in the Guidelines provide the advantage of flexibility, the lack of specifics and clear direction may occasionally lead to divergent expectations and create a degree of uncertainty about the NCP process. Such circumstances may increase the possibility of dissatisfaction by one or more of the parties in a specific instance with the process and the outcome. The review of the Guidelines during the year was an appropriate activity, particularly with respect to the procedural guidance chapter. It is hoped that the update to the Guidelines will provide increased satisfaction with the process and results for all stakeholders in the future.

9. Concluding Remarks

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

10. Glossary

APEC: Asia Pacific Economic Co-operation
 CIDA: Canadian International Development Agency
 Counsellor: the Extractive Sector CSR Counsellor

CSR: Corporate Social Responsibility
DFAIT: Foreign Affairs and International Trade Canada
EC: Environment Canada
Francophonie: Francophonie Countries
G8: Group of Eight
GRI: Global Reporting Initiative
HRSDC: Human Resources and Skills Development Canada
IC: Industry Canada
IFC: International Finance Corporation
INAC: Indian and Northern Affairs Canada
MNE: Multinational Enterprise
NGOs: Non Governmental Organisations
NRCan: Natural Resources Canada
OAS: Organization of American States
Voluntary Principles: Voluntary Principles on Security and Human Rights
UN: United Nations

APPENDIX A

May 3, 2011.

Canadian National Contact Point For The OECD Guidelines for Multinational Enterprises

Final Statement of the Canadian National Contact Point on the Notification dated December 9, 2009, concerning the Marlin mine in Guatemala, pursuant to the OECD Guidelines for Multinational Enterprises

Annexes

1. Information on the OECD Guidelines for Multinational Enterprises
2. Canadian National Contact Point (NCP) Terms of Reference
3. Chronology of Events

1. Executive Summary

On December 9, 2009, Frente de Defensa San Miguelense (FREDEMI), a Guatemalan NGO, assisted by Centre for International Environmental Law (CIEL), an NGO based in Washington D.C. (the “notifiers”), filed a request for review with the Canadian National Contact Point (NCP). A number of issues were raised in relation to the Marlin Mine in Guatemala, owned and operated by Canadian company Goldcorp Inc.

The issues raised related to the implementation of Paragraph 2 of the General Policies (Chapter II) of the OECD Guidelines which states that enterprises should “respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments”. The notifiers indicated that they were seeking the closure of the mine and a statement from the NCP.

The NCP’s initial assessment was that the issues raised merited further examination. Pursuant to the process outlined in the Guidelines, the NCP offered its “good offices” to facilitate a dialogue between the parties. The offer was accepted by the company. However, the notifiers declined the offer. The NCP attempted to explore whether the notifiers would be willing to participate in facilitated dialogue without any confidentiality requirements. The notifiers also declined the NCP’s second offer of facilitated dialogue with more flexible confidentiality requirements and reiterated their request for a full investigation of the facts, including a field visit to San Miguel Ixtahucán, and for the NCP to issue a “robust final statement”.

The NCP’s position is that communication and dialogue between the company and the notifiers are essential to the resolution of any disputes. This message has been conveyed to the parties throughout the process.

Therefore, the NCP recommends that the parties participate in a constructive dialogue in good faith with a view to addressing the issues raised. The sooner the parties agree to engage in a meaningful dialogue, the better it will be for all concerned.

The NCP considers this specific instance to be closed.

Should the circumstances change the NCP remains available to provide assistance to facilitate a dialogue.

2. Introduction to the OECD Guidelines for Multinational Enterprises

The OECD Guidelines (“the Guidelines”) are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide voluntary principles and standards for responsible business conduct in areas such as employment and industrial relations, human rights, environment, information disclosure, combating bribery, consumer interests, science and technology, competition, and taxation.

Each OECD Member State is obliged to establish a National Contact Point (NCP) for purposes of promoting the Guidelines and dealing with specific instances involving allegations of non-observance of the Guidelines by multinational enterprises.

Upon receiving a request for review in relation to a specific instance and allegations of non-observance of the Guidelines, an NCP will conduct an initial assessment with a view to determining whether the issues raised merit further examination. If the NCP’s conclusion is that the issues raised merit further examination, the NCP will then offer its “good offices” as a platform for facilitated discussion between the parties in an attempt to resolve the issues. If the parties involved do not reach agreement on the issues raised, the NCP issues a statement, and makes recommendations as appropriate, on the implementation of the Guidelines.

It is important to note that the Guidelines are not laws. Similarly, the NCPs are not law enforcement agencies or courts. The primary value-added of the NCPs is the facilitation of dialogue for purposes of resolving disputes.

Additional information on the Guidelines can be found in Annex 1. The Terms of Reference of the Canadian NCP are attached in Annex 2.

3. Specific Instance

On December 9, 2009, two members of Frente de Defensa San Miguelense (FREDEMI, The Front in Defense of San Miguel Ixtahuacán) along with representatives of the Washington, D.C.-based Centre for International Environmental Law (CIEL) (www.ciel.org), Amnesty International, MiningWatch Canada, and Breaking the Silence met with members of Canada’s National Contact Point (NCP) in Ottawa, and delivered to the NCP a request for review in relation to the Marlin Mine in Guatemala that is operated by Goldcorp Inc. The request for review was also posted on the CIEL website the same day. (http://ciel.org/Hre/Guatemala_Canada_9Dec09.html).

In its submission, FREDEMI alleges that Goldcorp Inc. has not observed the Guidelines at the Marlin mine. In particular, FREDEMI refers to Paragraph 2 of the General Policies (chapter II) which states that enterprises should “*respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments*”.

FREDEMI claims that Goldcorp’s operations at the Marlin mine are not consistent with Guatemala’s obligations to respect the rights to life, health, water, property, to be free from racial discrimination, and to free, prior and informed consent. Specifically, the notifiers assert that:

- 1) Goldcorp's land acquisition violates the communal property rights and the right to free, prior, and informed consent of the people of San Miguel Ixtahuacán (SMI).
- 2) Structural damage to houses caused by Goldcorp's use of explosives and heavy equipment violates the right to property of those owners.
- 3) Water contamination resulting from Goldcorp's mining activities violates the right to health of the people of SMI.
- 4) Goldcorp's overconsumption of water for its operations violates the communities' right to water.
- 5) Goldcorp retaliation against anti-mine protesters violates their right to life and security of person.

In its initial submission, FREDEMI states that there is no trust between the company and the affected communities. For this reason, they are not requesting the NCP to facilitate access to alternative dispute resolution.

Instead, the notifiers ask the NCP to undertake an investigation into Goldcorp's activities at the Marlin mine and issue a statement to ensure the company's compliance with the Guidelines.

Specifically, the notifiers seek Goldcorp's commitment to:

- "Suspend all mining operations and close the mine;
- Terminate its plans to expand the mine;
- Cease its intimidation and persecution of community members;
- Submit to ongoing, third-party monitoring of water contamination;
- Establish an escrow account with sufficient funds to finance the environmental restoration and continuous water treatment needed after the closure of the Marlin mine; and
- Adopt a corporate policy to respect the right of indigenous peoples to free prior and informed consent."

4. The Marlin Mine

The Marlin Mine, located about 300 kilometres northeast of Guatemala City, is a gold and silver operation that uses both open pit and underground mining methods. It employs 1,905 workers, of which 98% are Guatemalan residents. The Marlin deposit was discovered in 1998 by Montana Exploradora, S.A. and was later purchased by Francisco Gold Corporation in 2000. In 2002, Francisco Gold Corporation merged into Glamis Gold Ltd and control of the deposit passed to Glamis Gold. Construction of the mine began in 2004, after the Guatemalan government issued environmental permits and licenses. Goldcorp and Glamis Gold Ltd merged in 2006 and control of the mine passed to Goldcorp. Goldcorp Inc. is a Canadian company headquartered in Vancouver, British Columbia. The Marlin Mine is operated in Guatemala by Goldcorp Inc.'s subsidiary company, Montana Exploradora S.A.

The Marlin Mine has been the subject of numerous studies, inquiries and reports over the years. Some of these studies, inquiries and reports have been undertaken by civil society organizations, while others were sponsored or conducted by the company, international institutions or the Government of Guatemala.

In 2004, the International Finance Corporation (IFC) provided a \$45 million loan to Montana Exploradora, S.A. to develop the mine. In addition, the IFC assisted in the planning and implementation of Montana Exploradora S.A.'s environmental and social programs. The IFC's Office of the Compliance Advisor/Ombudsman (CAO) investigated a complaint in relation to the Marlin Mine, submitted by communities in the Sipacapa municipality in 2005. The CAO recommended that the two parties should engage in dialogue to achieve a resolution of the dispute.

In May 2010, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States granted “Precautionary Measures” for the 18 Mayan indigenous communities surrounding the Marlin Mine, calling on the Government of Guatemala to temporarily suspend the operation of the mine until further investigations can be undertaken. In June, the Government of Guatemala announced that it would initiate the administrative process to suspend operations at the mine. The Guatemalan Minister of Energy and Mines has been assigned responsibility for following up on processes related to the Marlin Mine. In this respect, an official, inter-Ministerial evaluation of the alleged conditions at the mine site is being conducted.

In May 2010, a scientific report on toxic metals was released by Physicians for Human Rights and the Department for Environmental Health at the University of Michigan. The report identified the need for a rigorous human epidemiological study and an enhanced and expanded ecological study. It also recommended the establishment of an independent oversight panel.

In May 2010, Goldcorp released a Human Rights Assessment report regarding the Marlin Mine. The Assessment report was commissioned by Goldcorp and prepared by On Common Ground Consultants Inc. On the basis of an eighteen-month study, the report made a series of recommendations which Goldcorp initially responded to in June 2010. Subsequently, in October 2010, Goldcorp issued an update of the company’s actions undertaken to date with respect to the recommendations. Goldcorp has also committed to issuing a series of regular updates describing the progress, challenges, and future expectations as Goldcorp implements the recommendations of the Assessment report. Goldcorp has posted related documentation onto the company’s website. Goldcorp also adopted a human rights policy in October, 2010. However, during a conference call that the NCP had with the notifiers on November 22, 2010, it appeared that the notifiers were unaware of these developments in the company’s policies and corresponding changes in practices. The notifiers indicated that they were unaware of any Spanish translation of these documents.

These and other studies and proceedings clearly demonstrate the extent of stakeholder interest in the mine and the impacts of its operations. The NCP is aware of the existence of these and other studies and proceedings, but they did not influence the decisions of the NCP with respect to the initial assessment and the NCP’s performance of its mandate.

5. Consideration of the Specific Instance

Upon meeting with the notifiers and receiving their submission, the Canadian NCP forwarded the request for review to Goldcorp Inc. and asked for a response that could be shared with the notifiers. Goldcorp provided a response to the NCP, confirming its commitment to the NCP process, including facilitated alternative dispute resolution.

The NCP was not in a position to verify the technical details of many of the submitted reports. However, the NCP’s initial assessment was that the issues raised merited further examination. The NCP believed that there should be a dialogue between the parties in order to attempt to resolve the issues raised. Accordingly, on March 23, 2010, the NCP Chair signed two letters informing the parties of the initial assessment of the NCP and offered the NCP’s “good offices” to “facilitate access to consensual and non-adversarial means to assist in dealing with the issues”. The NCP proposed to hold a meeting, or series of meetings if required, in Ottawa.

The letter of March 24, 2010, to FREDEMI contained the following paragraph:

“The Procedural Guidance chapter of the OECD Guidelines provides that NCPs shall make an initial assessment by considering “whether the issues raised merit further examination”. The NCP has carried

out its initial assessment by reviewing the documentation which you submitted, as well as the response from Goldcorp Inc. The matters raised have a lengthy history and are complex in nature. Keeping in mind that the NCP is not a court or tribunal, and that it is dedicated to the objective of contributing to the resolution of issues that arise in relation to the implementation of the OECD Guidelines, the NCP has concluded that the issues which you raised merit further examination. This conclusion should not be construed as a judgment of whether or not the corporate behaviour or actions in question were consistent with observance of the OECD Guidelines and should not be equated with a determination on the merits of the issues raised in your submission.”

The letter further went on to state:

“If the parties are willing to participate, the NCP will proceed to draft the terms of reference for such a meeting which will include asking both parties to agree to maintain the confidentiality of information tabled and shared during the proceedings.”

Goldcorp responded to the NCP’s offer on March 26, 2010, and indicated that it was willing to participate in the NCP facilitated dialogue process.

On April 23, 2010, the notifiers responded by declining the NCP offer of facilitated dialogue. In its letter, FREDEMI stated that the conditions did not exist for an open and constructive dialogue with Goldcorp. Furthermore, FREDEMI indicated that agreeing to participate in a closed-door meeting with Goldcorp would create further tensions and divisions within their community.

On May 14, 2010, Goldcorp provided a letter to the NCP that was shared with the notifiers on May 17, 2010. The letter indicated that Goldcorp was disappointed that FREDEMI declined the NCP’s offer to facilitate a dialogue with Goldcorp. Further, the letter stated:

“To the extent that FREDEMI’s refusal to participate in a dialogue facilitated by the NCP is because of the initial meeting would be a “closed-door meeting in Canada,” Goldcorp confirms its willingness to meet with FREDEMI and the NCP in an open format at a location convenient for all parties.”

In an attempt to explore whether the conditions referred to above by the notifiers could be altered in such a way that FREDEMI would be willing to participate in a dialogue with Goldcorp, the NCP sent a letter to the notifiers on July 2, 2010. With respect to the question of confidentiality, the letter stated:

“Canada’s NCP acknowledges the concerns raised by FREDEMI and remains hopeful that FREDEMI will reconsider its position and consent to a facilitated dialogue. We understand the difficulties an organization would face were it unable to share with its key community stakeholders the information obtained in a dialogue with another party. With this in mind, we would like to clarify that the confidentiality of proceedings would not prevent FREDEMI, acting as the representative or agent of the interested communities, from consulting with such communities before and after a dialogue. As the interested parties on whose behalf you are acting, community members are entitled to receive relevant information related to this specific instance; however, they are also expected to keep such information confidential. A good faith dialogue to resolve difficult and controversial issues requires that there be certain rules around how information shared in proceedings is used.”

Goldcorp was copied on the letter to the notifiers and subsequently wrote to the NCP on July 9, 2010, reiterating Goldcorp’s position outlined in its letter of May 14, 2010, that it was willing to be accommodating on the issues of confidentiality. This letter was forwarded to the notifiers on July 12, 2010.

On August 20, 2010, the notifiers replied by letter, again declining the possibility of a facilitated dialogue with Goldcorp. In its letter, FREDEMI stated that the clarification of the application of confidentiality partly addressed procedural concerns. However, FREDEMI was not prepared to deviate from its position that in order to address human rights concerns, the Marlin Mine must be closed. FREDEMI's view was that a dialogue would only result in delays. FREDEMI instead urged the NCP to proceed with a full investigation and field visit followed by the issuance of a final statement.

At this stage it became evident that the notifiers and Goldcorp had irreconcilable positions. While the notifiers wished the Marlin Mine to be closed and were unwilling to participate in any facilitated dialogue, Goldcorp wished to remain open and participate in facilitated dialogue.

The NCP sent a letter dated October 6, 2010, to the notifiers and copied Goldcorp indicating that it was proceeding to draft a final statement. In this letter, the NCP indicated that it is not in a position to carry out a field visit. Subsequently, on November 22, 2010, the NCP held a conference call with CIEL and FREDEMI members in Guatemala. During this conference call, the members of FREDEMI provided a number of testimonials about their experiences and concerns with the mine. They repeated that they were not interested in participating in a dialogue with Goldcorp and they wanted the mine to close. During the call, the NCP informed the representatives that it was preparing a draft statement which would be forwarded for comments. The NCP was asked if it would be providing a Spanish translation of the entire draft statement for the benefit of the community members. On December 13, 2010 the NCP informed FREDEMI that further to its provision of courtesy unofficial Spanish translations of letters throughout this process, it decided that it would provide courtesy unofficial translations of the Executive Summary and Recommendations portions of the draft statement. This procedure is consistent with the approach taken with regard to translations during consultations with aboriginal communities in Canada regarding environmental impact assessments. The NCP also held a meeting on November 23, 2010 with a Goldcorp official and a mine employee who was a resident of the community around the mine. The employee described their life in the community and their work at the mine. A detailed chronology of events can be found in Annex 3.

The Canadian NCP listened to both sides in this dispute and attempted to bring the parties together for purposes of engaging in a dialogue to address and resolve the issues that have been raised. The NCP regrets that these efforts have not been successful.

Although the notifiers declined the NCP's offer of facilitated dialogue, the NCP's initial assessment was that the issues raised merited further examination. With regard to the issues raised by the notifiers in the specific instance, the NCP is of the view that the lack of communication, and possible miscommunication, between the parties is a significant contributing factor to the overall problem. Generally, mining companies which undertake significant operations should endeavour to use effective communication strategies in order to engage the communities affected by the mine and to disseminate information of a technical or scientific nature. This process and activity is a critical element of corporate social responsibility which, if managed successfully, may benefit all parties concerned. At the same time, community members should be willing to engage with the company. A lack of effort by either party can lead to erroneous perceptions and misunderstanding, lack of trust, opposition and grievances.

The NCP recognizes that, over the years, the Marlin mine operations have changed hands, and that this has contributed to the deepening of the lack of trust among some communities. The building of trust in such circumstances constitutes an even greater challenge which requires a corresponding effort on both sides.

In this regard, the NCP would like to acknowledge Goldcorp's willingness to engage in the NCP process. The NCP encourages Goldcorp to continue to issue its regular updates on the implementation of the recommendations in Human Rights Assessment Report prepared by On Common Ground.

6. Recommendation

The NCP's position is that communication and dialogue between the company and the notifiers are essential to the resolution of any disputes. This message has been conveyed to the parties throughout the process.

Therefore, the NCP recommends that the parties participate in a constructive dialogue in good faith with a view to addressing the issues raised. The sooner the parties agree to engage in a meaningful dialogue, the better it will be for all concerned.

The NCP considers this specific instance to be closed.

Should the circumstances change the NCP would be willing to provide assistance to facilitate a dialogue.

ANNEX 1: Information on the OECD Guidelines for Multinational Enterprises

The Guidelines constitute a set of voluntary recommendations to multinational enterprises in all the major areas of business ethics, including employment and industrial relations, human rights, environment, information disclosure, combating bribery, consumer interests, science and technology, competition, and taxation. Adhering governments have committed to promote them among multinational enterprises operating in or from their territories.

Although many business codes of conduct are now publicly available, the Guidelines are the only multilaterally endorsed and comprehensive code that governments are committed to promoting. The Guidelines' recommendations express the shared values of governments of countries that are the source of most of the world's direct investment flows and home to most multinational enterprises. They aim to promote the positive contributions multinationals can make to economic, environmental and social progress.

Adhering countries comprise all 33 OECD member countries, and 9 non-member countries (Argentina, Brazil, Egypt, Estonia, Latvia, Lithuania, Morocco, Peru and Romania). The Investment Committee has oversight responsibility for the Guidelines which are one part of a broader OECD investment instrument - the Declaration on International Investment and Multinational Enterprises. The instrument's distinctive implementation mechanisms include the operations of National Contact Points (NCP), which are government offices charged with promoting the Guidelines and handling enquiries in the national context.

Because of the central role it plays, the effectiveness of the National Contact Point is a crucial factor in determining how influential the Guidelines are in each national context. While it is recognised that governments should be accorded flexibility in the way they organise National Contact Points, it is nevertheless expected that all National Contact Points should function in a visible, accessible, transparent and accountable manner. These four criteria should guide National Contact Points in carrying out their activities.

More information may be obtained about the Guidelines at: www.oecd.org/daf/investment/guidelines

For a copy of the Guidelines, see <http://www.oecd.org/dataoecd/56/36/1922428.pdf>

ANNEX 2: Canadian NCP Terms of Reference

TERMS OF REFERENCE CANADA'S NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

Introduction

The Organisation for Economic Co-Operation and Development (OECD) Guidelines for Multinational Enterprises (Guidelines) constitute a well-established and authoritative set of international standards in the realm of corporate social responsibility (CSR). The Guidelines form a key component of the Government of Canada's overall CSR policies. Canada is an adhering country to the OECD Guidelines and is required to maintain a National Contact Point for purposes of furthering the effectiveness of the Guidelines.

1. Definitions

1.1. In this Terms of Reference, the following terms shall be defined as follows:

Department: means federal departments of the Government of Canada

CIDA: Canadian International Development Agency.

DFAIT: Foreign Affairs and International Trade Canada.

EC: Environment Canada.

Finance: Finance Canada.

Guidelines: OECD Guidelines for Multinational Enterprises.

HRSDC: Human Resources and Skills Development Canada.

IC: Industry Canada

INAC: Indian and Northern Affairs Canada.

NCP: the National Contact Point for the OECD Guidelines for Multinational Enterprises. The Canadian NCP consists of an interdepartmental committee which is supported by a Secretariat housed at DFAIT. References to the NCP are to the interdepartmental committee.

NRCan: Natural Resources Canada.

Permanent Members: Departments of the Government of Canada who are permanent members of the NCP interdepartmental committee.

Primary Contact: Individual at a Department who is the main contact person or liaison official with respect to the NCP.

Specific instance: The term "specific instance" is one derived from the OECD Guidelines. Any individual, organisation, or community ("stakeholder") that believes a corporation's actions or activities have breached the Guidelines may lodge a formal request for review regarding a "specific instance" with the NCP of the relevant country. Hence, a specific instance refers to allegations by stakeholders of an "issue or situation" that it is believed to constitute the non-observance of the Guidelines by multinational enterprises.

2. Background

2.1. The Guidelines are a government-endorsed comprehensive set of recommendations for multinational enterprises on principles and standards for responsible business conduct. The Guidelines are voluntary and are not intended to override local laws and legislation.

2.2. Canada has been an adhering country since the OECD adopted the Guidelines in 1976. The OECD Council Decision of 1991 created the requirement for all countries adhering to the Guidelines to maintain an NCP. The revisions to the Guidelines in 2000 set out the recommended Procedural Guidance for the NCPs.

3. Purpose

3.1. The purpose of this Terms of Reference document is to provide a guide for the composition and operations of the Canadian NCP. Moreover, its adoption is expected to contribute to the transparency and accountability of the NCP's operations.

4. Role and Responsibilities of the NCP

4.1. The primary documents that outline the role and responsibilities of the NCPs are the "Procedural Guidance" chapter of the Guidelines, as well as the "Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises."

4.2. According to the Procedural Guidance notes for the OECD Guidelines, the role of the NCP is "to further the effectiveness of the Guidelines", while the responsibilities of the NCP consist of:

- i. making the Guidelines known and available;
- ii. raising awareness of the Guidelines;
- iii. responding to enquiries about the Guidelines;
- iv. contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances, and;
- v. reporting annually to the OECD Investment Committee.

5. Core Criteria of Operations

5.1. The NCP will operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, as recommended by the OECD Procedural Guidance.

6. Institutional Structure

6.1. Canada's NCP is an interdepartmental committee composed of federal government departments. The NCP may elect to alter its composition if such alteration is agreed to by all permanent members of the NCP.

6.2. The NCP may, as required, create Ad Hoc Working Groups to perform specific activities in carrying out the NCP mandate.

7. Chairperson and Vice-Chairperson

7.1. The NCP shall be chaired by a Director General level representative of DFAIT.

7.2. The NCP shall designate a Vice-Chairperson, from among the Permanent Members of the committee other than DFAIT NCP Secretariat, who shall be at least at the Director level.

7.3. The Vice-Chair shall assume the role of the Chairperson when the Chairperson is absent.

8. Secretariat

8.1. The NCP Secretariat function shall be provided by DFAIT.

9. Membership

9.1. Permanent Members: The Permanent Members of the Committee are CIDA, DFAIT, EC, Finance, HRSDC, IC, INAC, and NRCan.

9.2. New Permanent Members: The NCP may by consensus accept new members.

9.3. Primary Contact: Each Permanent Member shall designate one of its employees to act as the Primary Contact.

9.4. The Primary Contacts will be responsible for liaising with the NCP and notifying the Secretariat of changes in representation or membership, as well as sharing information, providing appropriate input and coordinating views internally within their respective Departments. The Primary Contact person for each Department, or their proxy, with the respective Department's approval, shall be the primary person with authority to express the views of the respective Department at NCP meetings.

9.5. The Chair of the NCP shall not be considered the Primary Contact for DFAIT. DFAIT shall designate another official to act as the Primary Contact for DFAIT.

9.6. Observers / Resource Persons: Each Department may have a number of operating units with an interest in NCP matters. The Primary Contact of each Department shall determine whether representatives of other units within their Department may participate in NCP meetings as an observer or resource person.

9.7. The Primary Contact for each Department shall ensure that the Secretariat is notified of the proposed participation of any additional Departmental representatives as either Observers or Resource Persons.

9.8. Ad Hoc Members: The NCP may seek to engage the participation of representatives from other federal government Departments on a case by case basis. In such situations, the respective Department may be invited to participate in the NCP's work, and to contribute their knowledge and expertise on any particular subject matter as required.

10. Meetings

10.1. Calling of Meetings: The NCP shall meet at least twice annually, or as considered to be appropriate and necessary by the Chairperson.

10.2. The Secretariat, on behalf of the Chairperson, shall send meeting notices to the Primary Contact of each of the Permanent Members notifying them of meeting dates and times.

10.3. Any Permanent Member of the NCP may request a meeting of the NCP at any time through the Chairperson.

10.4. Quorum: Quorum shall be necessary for an NCP meeting to take place. Quorum shall consist of a gathering of the Primary Contacts, or their proxies, from at least fifty percent plus one (50% +1) of the Permanent Member Departments.

10.5. Decision-Making: Decisions may need to be made by the NCP from time to time on questions relating to the NCP's fulfillment of its role and other matters. Each of the Permanent Members shall be able to express their views at NCP meetings through their Primary Contacts, or their proxies. The NCP will make every effort to make decisions based on consensus. Where a consensus cannot be reached, the majority shall prevail.

11. Specific Instances

11.1. Specific Instances shall be dealt with in accordance to the process outlined in the Guidelines, as well as in the procedures and protocols documents that are posted on the Canadian NCP website, as they may be amended from time to time.

12. Confidentiality

12.1. In order to facilitate the work of the NCP and in line with the OECD Guidelines Procedural Guidance notes, the NCP and all those invited to participate in its proceedings from various Departments shall take appropriate steps to protect sensitive business and other information.

13. Reporting

13.1. The Secretariat shall manage the website content for Canada's NCP, as well as prepare and disseminate individual meeting reports and an annual report for submission to the OECD Investment Committee pursuant to the OECD requirements.

13.2. All Permanent Members shall be consulted and asked to contribute to the preparation of the annual report.

14. Resources

14.1. Permanent Members of the NCP shall, as necessary, endeavour to contribute resources (both human and financial) to the operations of the NCP for purposes of ensuring the timeliness and effectiveness of its work.

For more information about the Canadian NCP, see: www.ncp.gc.ca or www.pcn.gc.ca.

ANNEX 3: Chronology of Events

- December 9, 2009: The notifying party FREDEMI (and CIEL) came to Ottawa and met with the NCP to submit their request for review. The request states that the notifiers are not seeking facilitated dialogue but that the NCP undertake an investigation and make a statement. This message was also stated during the meeting. Following the meeting with the NCP FREDEMI held a press conference.
- December 16, 2009 Letter acknowledging receipt of the submission was sent to FREDEMI.
- January 22, 2010: NCP sends letter to Goldcorp informing them of the submission from FREDEMI and requesting a response.
- February 19, 2010: Goldcorp Inc. provided their response to the submission.
- February 24, 2010. NCP held a meeting and discussed the specific instance. A Working Group (subcommittee) was formed to conduct the initial assessment and make a presentation to the NCP for purposes of assisting the NCP in concluding an initial assessment. The Working Group met several times (March 2, March 11) to consider the documentation from both parties.
- March 25, 2010: NCP communicated its initial assessment of the submission to both parties in letters dated March 24, 2010. Both parties were informed that the NCP considered the issues raised to merit further examination and offered to facilitate a dialogue. The parties were asked to reply by April 7, 2010.
- March 26, 2010: Goldcorp responded that they were willing to participate in the NCP's process.
- April 9, 2010: A Spanish copy of the Goldcorp's response of February 19 was forwarded to CIEL. CIEL was also requested to reply to the NCP's offer in its letter of March 25 by April 23, 2010
- April 23, 2010. FREDEMI provided its response and declined the offer of facilitated dialogue. The letter referred to the initial submission and repeated that they are not requesting the NCP to facilitate dialogue but instead urge the NCP to conduct a field visit and issue a statement.
- May 14, 2010. Goldcorp submitted a letter indicating its willingness to participate in a meeting without any confidentiality conditions. This letter was shared with FREDEMI on May 17, 2010.
- June 1, 2010. NCP held a meeting with Dina Aloï of Goldcorp. The meeting was held at Ms. Aloï's request. The minutes were prepared and subsequently shared with FREDEMI.

- July 2, 2010. The NCP sent FREDEMI a letter clarifying that the NCP's understanding of the confidentiality requirements would not prevent FREDEMI, acting as representatives or agents of interested communities, from consulting with their communities. The letter asked whether they would reconsider the offer of facilitated dialogue and requested a reply by August 2, 2010.
- July 9, 2010. Goldcorp was copied on the letter to FREDEMI and sent a letter (July 9) indicating that FREDEMI should be informed that Goldcorp is prepared to waive the confidentiality conditions for a meeting. This letter from Goldcorp was subsequently forwarded to FREDEMI on July 12.
- July 29, 2010. NCP received a number of documents from Goldcorp and shared these with FREDEMI. FREDEMI requested additional time to reply to the letter of July 2.
- August 4, 2010. At Goldcorp's request, the NCP held a meeting with Dina Aloï and Valerie Pascale of Goldcorp. Minutes were prepared and shared with FREDEMI on August 16.
- August 20, 2010. FREDEMI replied to the NCP's letter of July 2 by again declining the offer of facilitated dialogue and repeating that they wish the Marlin Mine to be closed and urge the NCP to conduct a full investigation including a field visit.
- October 7, 2010. NCP sent a letter dated October 6, 2010 to FREDEMI (copy to Goldcorp) stating that the NCP is now proceeding to draft a statement. The letter contained an offer for a conference call with FREDEMI to address a concern expressed in their August 20 letter that the NCP had one meeting more with Goldcorp than with FREDEMI and may not have the full understanding of the situation.
- November 22, 2010. NCP held a conference call with CIEL and FREDEMI members in Guatemala. FREDEMI members provided a number of testimonials about their experiences and concerns with the mine. The NCP informed the representatives that it is preparing a draft statement which will be forwarded for comments.
- November 23, 2010. Two Goldcorp representatives met with some members of the NCP and made a presentation about the mine and community relations.

APPENDIX B

May 3, 2011.

National Contact Point for the OECD Guidelines for Multinational Enterprises Summary of Initial Assessment of Request for Review Oyu Tolgoi Mining Project

- A Mongolia-based NGO, Oyu Tolgoi Watch (OT Watch), submitted a request for review on April 1, 2010 relating to the Oyu Tolgoi mining development project in Mongolia.
- OT Watch stated that it believed that Ivanhoe Mines Ltd. and Rio Tinto International Holdings Limited were not observing the following provisions of the OECD Guidelines for Multinational Enterprises:
 - (a) Chapter II General Policies, Article 1: "... enterprises should: 1. Contribute to economic, social and environmental progress with a view to achieving sustainable development"; and
 - (b) Chapter V Environment, Article 3: "... enterprises should: ... 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".
- The initial submission by OT Watch claimed that Ivanhoe Mines Ltd. had failed to carry out a full environmental impact assessment and crucial study of water resources.
- On April 15, 2010, OT Watch submitted an email elaborating on its complaint. OT Watch claimed that the Technical and Economic Feasibility Study submitted by Ivanhoe Mines Ltd. failed to demonstrate the availability of water resources necessary for building and operating this mine. OT Watch further claimed that the water resources established and approved for use constitute less than 1/3 of its water needs and in addition are located around a protected area of Galbyn Gobi. OT Watch further claimed that the lack of sufficient water resources and the location of the available water (fossil water) in a protected area should require a full environmental impact assessment; an assessment of water resources in relation to a 30-60-year water-intensive project; and an assessment of the impact of proposed diversion of rivers from other regions for this project.

In a response submitted to the National Contact Point (NCP) on June 11, 2010, Ivanhoe Mines supplied a list of completed and pending Environmental Impact Assessments, and relevant excerpts from the Oyu Tolgoi Project's Technical and Economic Feasibility Study. Based on studies to date, the company further stated that adequate water resources do exist in the region to supply the projected needs of the planned mining operation, that such water is not in a protected area and that there is no requirement to divert water from rivers to supply Oyu Tolgoi. The company stated that it has formally committed to maintain water supplies to existing local users.

- Following a review of the material received from both parties, the NCP felt it did not have sufficient information upon which to conclude an initial assessment. Accordingly, on July 2, 2010, it sent letters to both parties requesting further information. The questions to OT Watch included a request for greater precision as to the allegations of non-observance of the Guidelines.
- In its response to the NCP, dated July 23, 2010, OT Watch reiterated its concerns regarding the availability of water and the requirement for "an appropriate" environmental impact assessment (EIA) over the full mine life of the project, which would conform to international standards.
- OT Watch further indicated that the size and the number of mining projects in this region compounds the water problem, turning it into a larger regional macro-economic, social and environmental sustainability issue. OT Watch suggested that an integrated approach to water use that assesses the cumulative effects in the mine planning and approval process is urgently needed.
- Ivanhoe Mines Ltd. prepared a series of environmental assessments of aspects of the OT mine, as required by Mongolian law. The environmental assessments reviewed by the NCP included technical and scientific information that clearly set out the environmental impacts of activities and the monitoring and mitigation measures necessary to reduce or eliminate the said impacts.
- The World Bank report (2009) *Groundwater Assessment in the Gobi Region*, noted that the groundwater investigation and resource assessment study for the OT mine "provides a good example for the approach to determine the impacts of ground water abstraction and to provide the information for decision making on the allowable abstraction".
- The NCP found the environmental assessments to be complete and of a high quality.
- The governance and management of the water and all other resources and activity in the region is the responsibility of the Government of Mongolia. It is not practical or realistic to expect these extensive and complex matters that involve many parties and entities to be adequately addressed or resolved by dialogue between NGOs and companies on a case-by-case basis. These matters are more appropriately addressed by the national government using a comprehensive governance mechanism with appropriate laws, regulations and enforcement mechanisms.
- Officials from the Oyu Tolgoi LLC company, the project owner, met with OT Watch before and after the filing of the request for review. The company has offered to hold quarterly meetings with the notifiers and a number of meetings have already taken place. The NCP views such developments in a positive light and encourages the parties to continue to hold such meetings with a view to strengthening the process of communication and dialogue. The NCP firmly believes that the successful resolution of issues necessitates the adoption on both sides of a willingness to communicate and to work together. The development of appropriate communication strategies and cooperative tools are key.
- The NCP considers this specific instance to be closed.
- Although the NCP considers this specific instance to be closed, the NCP believes that on-going dialogue between the parties would be beneficial to address concerns that the parties have and which may arise in the future. If the parties are interested and willing to engage in a facilitated dialogue, the NCP would be pleased to offer its services and assist in facilitating such a dialogue. Should both parties agree to seek the NCP's assistance in that regard, the NCP would be willing to

examine opportunities and the most effective manner in which to offer this service outside of the specific instance process.

CHILE/CHILÉ

A. Organisation institutionnelle

- Les Annexes 1 et 2 contiennent respectivement une description de la « Structure des Point de contact nationaux » tirée de la Synthèse 2010 du Président et la liste PCN (avec leurs coordonnées) qui figure sur le site Internet des Principes directeurs. Les PCN sont priés de mettre ces informations à jour si nécessaire.

Le Département OCDE/ tient la coordination et le suivi dans ce domaine

- Quel est le lien entre le PCN et d'autres organismes publics ?

Avec celles relatifs aux traitements de cas spécifiques les relations sont permanentes.

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

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

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

- Quel est le lien entre le PCN et d'autres organisations non-gouvernementales (ONG) et autres parties concernées impliquées dans le fonctionnement du PCN ?

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

- Quel est le lien entre le PCN et d'autres grandes initiatives en matière de responsabilité des entreprises, par exemple la Déclaration des principes tripartite de l'OIT sur les entreprises multinationales et la politique sociale, le Pacte Mondial des Nations unies et ses réseaux locaux ?

Le PNC collabore avec le Groupe VINCULAR liée à la ISO 26.000 sur la Responsabilité Social Corporative, le partenaire chilien du Global Compact des Nations Uni et le Global report Initiative (GRI).

B. Information et promotion

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

La Pag WEB de la Direction de Relations Economiques Internationales contient les Directrices en permanence. Nous sommes en train de traduire la mise à jour 2011 des Principes Directeurs de L'OCDE à L'Intention des Entreprises Multinationales et ses Commentaires. Cette mise à jour serait envoyée par Email à des syndicats et d'entreprises.

- Comment la coopération avec les milieux d'affaires, les syndicats, les autres organisations non-gouvernementales et les divers publics concernés a-t-elle été organisée pour assurer la publicité des Principes directeurs et pour en assurer la promotion et l'utilisation (consultations, diffusion des Principes directeurs, etc.)

Le PNC a organisé au moins une dizaine des Rencontres et des Séminaires destinés à consulter la mise à jour des Principes Directeurs avec les milieux d'affaires, les syndicats les universités et des ONGs.

Le PNC a aussi participé à plusieurs rencontres sur cette mise à jour organisées par diverses institutions.

- Comment la coopération avec les organismes appartenant à l'État (agences de crédit à l'exportation, entreprises appartenant à l'État ou autres) est-elle organisée s'agissant de la diffusion d'informations et de la mise en œuvre des Principes directeurs ?

Avec les organismes appartenant à l'État la coopération pour la promotion des nouvelles Principes Directeurs va être organisée dans la deuxième partie de 2011.

- D'autres activités d'information et de promotion ont-elles été organisées ou sont-elles prévues (séminaires et/ou conférences sur les Principes directeurs en général ou sur des thèmes spécifiques, publications ou guides à visées informatives, coopération avec des agences de promotion de l'investissement, des universités, des écoles de commerce, etc...) ?

Rencontre avec représentant de l'entreprise multinationale à la Confédération de la Production et du Commerce, septembre 2010

Séminaire sur la mise à jour des Principes Directeurs à l'université Diego Portales, Décembre 2010.

Rencontre avec représentant de l'entreprise nationale à Ernst & Jung, May 2011.

- 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 ?

Demandes de coopération de la part d'autres PNC :

Coopération avec le PNC de la Norvège a propos d'une requête posés par deux ONGs norvégienne contre CERMAQ ASA au sujet d'une manque de « due diligence » de la maison mère a l'égard de sa filière chilienne Mainstream Chile.

Coopération avec le PNC du Canada à propos du même sujet

C. Mise en œuvre dans des circonstances spécifiques

Les PCN souhaiteront peut-être communiquer les informations suivantes sur les dossiers concernant des circonstances spécifiques déposés et/ou réglés durant l'exercice compris entre juin 2010 et juin 2011 (Merci de veiller à ne soumettre que des informations susceptibles d'être publiées. Sous réserve de respecter l'engagement des pays signataires d'agir conformément aux critères fondamentaux de visibilité, d'accessibilité, de transparence et de reddition de compte, les PCN peuvent communiquer toutes les informations qu'ils souhaitent) :

Aucune plainte a été soumise au PNC l'année 2010-2011

Circonstances spécifiques examinées à ce jour par les Points de contact nationaux

L'annexe 4 présente un tableau récapitulatif, jusqu'en juin 2011, des circonstances spécifiques dont les PCN ont accepté de se saisir. Les PCN sont priés de vérifier ces informations et de les mettre à jour si nécessaire.

D. Divers

- Comment les critères fondamentaux de fonctionnement des PCN prévus par les Principes directeurs (visibilité, accessibilité, transparence et reddition de compte) et, si la mise à jour des Principes directeurs est adoptée, par les principes complémentaires relatifs aux circonstances spécifiques (impartialité, prévisibilité, équité et compatibilité avec les Principes directeurs) ont-ils été appliqués dans votre pays pour rendre la mise en œuvre des Principes directeurs encore plus efficace ? Veuillez fournir des exemples pour illustrer ces différents points.

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

- Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN au cours de ce cycle de mise en œuvre des Principes directeurs, y compris d'éventuelles expériences utiles et/ou des difficultés rencontrées dans l'exercice de la mission du PCN ?

Les PNC du Chili a eu une expérience accrue en faisant le travail d'examineur du PNC du Pays Bas de même que pendant la période de la négociation pour la mise en jour de principes Directeur Cette expérience a prouvé être une opportunité tout particulier, pour l'ensemble de Points de Contact Nationaux au Comité l'Investissement, dans la mesure qu'elle apporte des précieux enseignements pour tous.

- Si le PCN a en sa possession des études ou des statistiques permettant d'apprécier le degré de sensibilisation des sociétés aux Principes directeurs, souhaiteriez-vous inclure ces informations dans votre rapport ?

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

- Quelles sont les questions qui pourraient mériter une attention particulière durant le cycle 2011-2012 de mise en œuvre des Principes directeurs de l'OCDE ? Merci de bien vouloir préciser.

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

La structure du PNC a travers d'une combinatoire d'acteurs adaptée à la complexité des cas spécifiques qui éventuellement pourraient être présentés devant le PNC.

Promouvoir la coopération entre les PNC de l'Amérique Latine et le Comité de l'Investissement de l'OCDE avec l'objectif de diffuser de promotions des Principes Directeurs dans la région.

CZECH REPUBLIC / RÉPUBLIQUE TCHEQUE

Report on the work of the National Contact Point (July 2010 - June 2011)

A. Institutional arrangements

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

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

tel. +420 2 2485 2717
fax: +420 2 2485 1560
e- mail address: oeed@mpo.cz
telickova@mpo.cz

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

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 close contact with officials of the Ministry of Labour and Social Affairs, Ministry of Finance, , Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Environment and the Czech National Bank. The NCP holds regular consultations with these ministries, as well as other relevant government bodies.

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

The NCP continues the co-operation with Czech NGOs.

B. Information and promotion

Information on the websites

The Guidelines including the commentaries and information relating the Guidelines are accessible on the Ministry of Industry and Trade website. In addition, the websites of the Ministry of Finance, CzechInvest (the Czech Government's Investment Promotion Agency) and Ministry of Foreign Affairs publish information related to the Guidelines. The publications involve link to the Czech NCP and to the related documents supporting the implementation and observance of ethical codes, including references to

the ethical codes of particular associations and companies in the Czech Republic. Information on the Guidelines is provided also on the websites not linked to the Government.

Information towards social partners

The NCP maintains regular 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 provide the NCP with useful information.

Information to non-governmental organisations

The NGO representatives have unrestricted access to the Czech NCP and take part in the NCP's regular meetings, as well as hold consultations on matters of mutual interest directly with the NCP.

C. Implementation in specific instances

Institutional framework

The NCP arranges at least one regular meeting per year. It may hold other meetings where trade unions, business associations and other relevant parties (involved depending on the issue discussed) take part. During the OECD Guidelines update in 2010-2011 period, the NCP hosted several additional coordination meetings and initiated further e-mail consultations aimed at facilitating the debate of stakeholders and building consensus on various key issues emerging during the update.

Information on specific instances

Any new specific instance has not been submitted yet to the Czech NCP during the July 2010– June 2011 period.

D. Other

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

DENMARK/DANEMARK

A. Institutional arrangements

- No update of Annex 1 is necessary. Annex 2 is sent with an update on how to find the Danish Contact Point on the [www \(http://www.bm.dk/Beskaeftigelsesomraadet/Arbejdsret/Internationalt%20samarbejde/OECD%20-%20Det%20danske%20kontaktpunkt.aspx\)](http://www.bm.dk/Beskaeftigelsesomraadet/Arbejdsret/Internationalt%20samarbejde/OECD%20-%20Det%20danske%20kontaktpunkt.aspx).
- The Danish Contact Point consists of representatives from
 - The Danish Federation of Trade Unions
 - The Salaried Employees and Civil Servants Confederation
 - The Danish Employers Confederation
 - The Danish Forest and Nature Agency
 - The Ministry of Foreign Affairs
 - The Ministry of Employment (where the Secretariat and chairmanship is anchored)
- The above mentioned Danish ministries are considered to have a direct interest in the *Guidelines*. The Danish Contact Point does not have any specific relations to other government agencies, but will involve relevant agencies if necessary. Accordingly, The Danish Forest and Nature Agency has been assisting the Danish Contact Point in processing the specific instance submitted in March 2006 by Nepenthes.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- The Danish Contact Point continues to seek dialogue and exchange views with various NGOs. The functioning of the Danish Contact Point has been a subject of some discussion during the 2010-2011 cycle and the Secretariat of the Danish Contact Point has provided information to the general public and e.g. a parliament committee about the functioning of the Danish Contact Point.
- The Danish Contact Point is aware of other initiatives within the field of “corporate social responsibility” including UN Global Compact but has not taken any steps to establish any formal relation.

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.

- Co-operation with the social partners (the business community and trade unions) takes place within as well as outside the Danish Contact Point. In the 2010-2011 cycle there has been quite a bit of focus from the general public on the Danish Contact Point and, accordingly, the Secretariat of the Danish Contact Point has responded to enquiries from the general public such as Parliament, journalists and NGO's.
- The Secretariat of the Danish Contact Point has cooperated with e.g. the Danish Government Centre for CSR in accommodating the interest of the general public such as Parliament and journalists.
- A member of the Secretariat of the Danish Contact Point guest lectured in April 2011 about the *Guidelines* and the Danish Contact Point at the University of Copenhagen (a course in international labour law and CSR). Cooperation with the university in this regard is expected to continue in the future. In October 2010 a one-hour programme on the Danish Contact Point and the government initiatives regarding CSR was broadcasted on the Danish Radio. The channel, DR P1, is normally regarded as a serious and reliable source of information but, unfortunately, the information regarding the Danish Contact Point that was broadcasted was to some extent not entirely correct and contained some misunderstandings. The Danish Contact Point was e.g. criticised for not coming up with legally binding decisions when a specific instance is concluded. The secretariat of the Danish Contact Point had provided the journalists with all necessary information regarding the OECD Guidelines and the Danish Contact Point prior to the broadcasting but this information was not really used in the broadcasting.

The broadcasting and especially the criticism of the Danish Contact Point therein furthered some additional interest from the general public and in January 2011 the minister of employment was summoned to a consultation in the parliamentary committee on economic and business affairs (Folketingets Erhvervsudvalg). During this consultation which was "live-streamed" on the internet the minister managed to correct many of the misunderstandings and unfounded allegations that the broadcasting contained. Furthermore, quite a bit of information on what has actually been done by the Danish Contact Point and what is laid down in the Guidelines was made available to members of Parliament and the general public.

- The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones has not specifically been disseminated or referred to in the context of interactions with enterprises or stakeholders.
- No update of Annex 3 is necessary.
- No other enquiries than those described above were received in the 2010-2011 cycle.

C. Implementation in specific instances

- No specific instances have been brought before the Danish Contact Point in the June 2010-2011 cycle. No update of Annex 4 is necessary.

D. Other

- The Danish Contact Point seeks to operate in accordance with both Danish and international standards on visibility, accessibility, transparency and accountability. The Danish Contact Point acknowledges that unlimited transparency is not always a possibility, but seeks to be as informative as possible with regard to specific instances and other activities in relation to The Danish Contact Point. An example of this from the 2010-2011 cycle is the above mentioned broadcasting on Danish radio where the Secretariat of the Danish Contact Point provided the journalists with as much information as possible and a secretary and the chairman of the Danish Contact Point were interviewed. The Danish contact point seeks to operate in accordance with general principles regarding impartiality, predictability, equitability and compatibility as well. The fact that the social partners are members of the Danish Contact Point can e.g. be seen as an asset especially with regard to impartiality.
- One issue that may deserve particular attention in the 2011-2012 cycle is, if the updated Guidelines are adopted, promotion of and information on the updated Guidelines
- No further remarks under this subject.

EGYPT/EGYTPE

A. Institutional Arrangements

- How does the NCP relate to other government agencies?

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

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

The Egyptian labour Union is a member of the Advisory committee.

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

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

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

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

B. Information and Promotion

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

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

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

ENCP has intensified its promotional efforts during this period. ENCP identified major multinationals operating in Egypt as well as Egyptian multinationals operating outside Egypt and sent them letters to introduce ENCP and its mission along with the *Guidelines* and asking them to adhere to the *Guidelines*. Attached to those letters were the *Guidelines* and ENCP brochure. ENCP did the same thing with all foreign commercial chambers operating in Egypt as well as the Egyptian Industrial Federation.

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

Supposedly ENCP publications (the ENCP brochure and the *Guidelines*) are part of the package which is given any potential foreign investor through the General Authority for Investment (GAFI), Egyptian investment promotion agency.

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

No

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

There is an update. Please refer to Annex 3.

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

No

C. Implementation in specific instances

- Date request to consider specific instance was received.

No

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

In terms of the core criteria for the operation of NCPs, they have been closely followed by ENCP. In terms of visibility, as mentioned earlier and despite the financial constraints, ENCP reached to the business community whether to individual multinational companies or to business associations such as foreign commercial chambers to introduce to them the *Guidelines* and ENCP. In terms of accessibility, ENCP is accessible via various means of communication. In terms of transparency and accountability, the director of ENCP shares with the advisory committee of ENCP through annual meetings the activities of ENCP and gets its approval on important policy issues such as the rules and procedures for specific instances.

In terms of the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines), ENCP closely follow these principles which are reflected in the Rules and Procedures for Specific Instances adopted by ENCP with the assistance of OECD-Watch.

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

ENCP has encountered a number of difficulties which hinder its activities and mission. First, the budget of ENCP has not yet implemented due to bureaucratic procedures and the separation between the administrative and financial subordination since according to the Ministerial decree establishing ENCP its structure and duties, ENCP is a unit within the Ministry of Investment but it is financed by the General Authority for Investment. Second, since the resignation of the former Ministry of Investment Dr Mahmoud Moheldin in the mid 2010, no new Minister has been appointed which has created administrative vacuum adversely affecting the operation of ENCP. Third, since the 25th of January Revolution, the country including the government and its agencies and institutions has been in a fluid state where a number of activities were on halt in anticipation of the path which the country will take in the future.

ESTONIA/ESTONIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

Estonian NCP is coordinated by the Ministry of Economic Affairs and Communications from European Union and International Co-operation Department into Economic Policy Division in Economic Development Department. This division is dealing with various questions related to business climate and investment conditions in Estonia that are more closely connected with the functions of the NCP. Estonian NCP has conducted notifications through Chamber of Commerce publications and seminar for entrepreneur to present OECD guidelines.

- How does the NCP relate to other government agencies?

Economic Policy Division in the Ministry of Economic Affairs and Communications has close cooperation with the representatives from different ministries (Ministry of Foreign Affairs, Ministry of Finance etc.) and has well functioning cooperation networks with other government agencies.

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

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

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

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

B. Information and Promotion

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

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

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

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

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

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

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

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

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

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

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

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

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2010-2011 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

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

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

FINLAND/FINLANDE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

Annexes 1 and 2 are updated

- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

Annex 1 responds to this.

- How does the NCP relate to other government agencies?

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

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

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

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

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

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

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

B. Information and Promotion

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

OECD guidelines for Multinationals, as well UNGC, UNPRI, EU's green paper and communications, and ILO declarations are available on the website of MEE, in Finnish. Furthermore, there exists the succinct brochure in Finnish and in English about above mentioned international guidelines and declarations on CSR including GRI G3 standard and ISO 26000.

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

The cooperation with the above mentioned stakeholders takes place in the meetings of the Committee on CSR and in the seminars. Some of external stakeholders have been invited to the meetings of the Committee due to the substance of their expertise being handled. In addition, there are continuous contacts with many internal and external stakeholder groups. Autumn 2009, leaflets - guidelines of international organisations, best practices - and toolbox of CSR reporting for SME's were published by the MEE. All leaflets have been broadly disseminated. Autumn 2010, they were published in English, and can be found on the website of the Ministry.

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

Co-operation with state owned enterprises: In the Committee on CSR there is a member who is responsible for steering in the Prime Minister's Office.

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

In Finland, there have been many seminars, one arranged by MEE and a fair on CSR arranged by the Finnish Business and Society (the organisation partly subsidized by the MEE). In addition, the representatives of the Ministry have participated in seminars and given presentations on them. See also the answers given above.

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

No. The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is published on the website on CSR of the MEE.

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

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

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

None.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2010-2011 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

The Finnish NCP has received no requests during the period of June 2010 – June 2011.

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

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

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

FRANCE

A. Organisation institutionnelle

- Les Annexes 1 et 2 contiennent respectivement une description de la « Structure des Point de contact nationaux » tirée de la Synthèse 2010 du Président et la liste PCN (avec leurs coordonnées) qui figure sur le site Internet des Principes directeurs. Les PCN sont priés de mettre ces informations à jour si nécessaire.
- Les PCN souhaiteront peut-être fournir des informations supplémentaires concernant l'organisation institutionnelle du PCN (par exemple la composition du PCN, notamment les organismes consultatifs ou de supervision impliquant plusieurs parties prenantes et constitués pour assister les PCN dans leurs tâches...).

Le PCN français est présidé par le Sous-directeur des Affaires financières multilatérales et du Développement à la Direction générale du Trésor (Ministère de l'Economie, des Finances et de l'Industrie). Le Secrétariat est assuré par la Direction générale du Trésor.

Le PCN est une structure tripartite réunissant :

- 1) les 6 organisations syndicales représentatives au niveau national : CFE-CGC ; CFDT, CGT, CFTC, FO, UNSA ;
- 2) une organisation patronale (MEDEF)
- 3) pour l'Etat, outre le ministère de l'Economie, des Finances et de l'Industrie, le ministère du Travail, le ministère des Affaires étrangères et européennes et le ministère de l'écologie.

Le PCN s'est doté d'un règlement intérieur adopté par cette instance.

- Quel est le lien entre le PCN et d'autres organismes publics ?
Le PCN peut consulter d'autres administrations de l'Etat ou toute autre entité quand la circonstance spécifique qu'il doit traiter nécessite qu'un expert fasse part de son point de vue aux membres du PCN de façon à les éclairer sur des points précis soulevés dans la saisine. Le PCN assure une coordination interministérielle.
- Quel est le lien entre le PCN et les partenaires sociaux (milieux d'affaires et organisations syndicales) impliqués dans le fonctionnement du PCN ?
Depuis la création du PCN, les 6 organisations syndicales représentatives au niveau national sont membres du PCN (CFE-CGC ; CFDT, CGT, CFTC, FO, UNSA).
- Quel est le lien entre le PCN et d'autres organisations non-gouvernementales (ONG) et autres parties concernées impliquées dans le fonctionnement du PCN ?
Le PCN français ne comprend pas d'ONG parmi ses membres. En revanche, le PCN a été amené à entendre les positions exprimées par des ONG dans le cadre du traitement de circonstances spécifiques portées à l'attention du PCN par ces ONG. Un dialogue régulier a

pu être ainsi nourri entre des entreprises et des ONG sur une longue durée permettant à ces organisations de faire valoir leur point de vue. Des contacts directs entre les ONG et certains membres du PCN permettent aussi à ces organisations d'exprimer leurs vues sur des sujets intéressants les principes directeurs de l'OCDE à l'intention des multinationales.

- Quel est le lien entre le PCN et d'autres grandes initiatives en matière de responsabilité des entreprises, par exemple la Déclaration des principes tripartite de l'OIT sur les entreprises multinationales et la politique sociale, le Pacte Mondial des Nations unies et ses réseaux locaux ?

B. Information et promotion

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

Les Principes directeurs sont accessibles sur plusieurs sites institutionnels :

Le site web du PCN (Ministère de l'Economie, de l'Industrie et de l'Emploi):
<http://www.tresor.bercy.gouv.fr/pcn/pcn.php>

Cette page met en ligne le texte des principes directeurs, présente de manière synthétique le champ d'application et la raison d'être de ces recommandations.

La composition et le rôle du PCN sont également précisés ainsi que les conditions dans lesquelles cette instance peut être saisie de circonstances spécifiques. Les coordonnées du PCN sont mentionnées.

Les cas spécifiques traités par le PCN ayant donné lieu à une communication publique ainsi que le rapport annuel que le PCN remet au Comité de l'investissement de l'OCDE sont également consultables en ligne.

Le Ministère des Affaires étrangères et européennes (www.diplomatie.gouv.fr) et le Ministère de l'écologie (www.developpement-durable.gouv.fr) communiquent également des informations en lien avec les thèmes développés dans les principes directeurs sur des sujets touchant à la responsabilité sociale des entreprises.

- Comment la coopération avec les milieux d'affaires, les syndicats, les autres organisations non-gouvernementales et les divers publics concernés a-t-elle été organisée pour assurer la publicité des Principes directeurs et pour en assurer la promotion et l'utilisation (consultations, diffusion des Principes directeurs, etc.)

Le PCN a été réuni en dernier lieu en février 2011 pour évoquer la révision des principes directeurs. Cette consultation a permis de nourrir la position française pour la dernière partie du cycle de négociations.

- Comment la coopération avec les organismes appartenant à l'État (agences de crédit à l'exportation, entreprises appartenant à l'État ou autres) est-elle organisée s'agissant de la diffusion d'informations et de la mise en œuvre des Principes directeurs ?
- D'autres activités d'information et de promotion ont-elles été organisées ou sont-elles prévues (séminaires et/ou conférences sur les Principes directeurs en général ou sur des thèmes spécifiques, publications ou guides à visées informatives, coopération avec des agences de promotion de l'investissement, des universités, des écoles de commerce, etc...) ?

Des réunions périodiques ont été organisées avec des entreprises et le comité du MEDEF compétent sur les Principes directeurs de l'OCDE pendant la période considérée.

- Est-ce que l'Outil de sensibilisation au risque destiné aux entreprises opérant dans les zones à déficit de gouvernance élaboré par l'OCDE a été diffusé ou cité par ailleurs dans le cadre d'actions menées auprès d'entreprises ou d'autres parties prenantes ?

L'outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance fait partie des instruments auxquelles les autorités françaises se sont référé en 2011 dans la préparation de missions conduites par les Nations-Unies.

- L'annexe 3 au présent questionnaire reproduit le tableau 1 extrait de la Synthèse du Président sur la réunion 2011 des PCN (« Liens entre les Principes directeurs de l'OCDE et les programmes de crédit à l'exportation, de garantie des investissements à l'étranger et de promotion des investissements de l'étranger »). Les PCN sont priés de procéder à la mise à jour de ce tableau. Si aucune mise à jour n'est nécessaire, veuillez l'indiquer. Si l'Outil de sensibilisation au risque destiné aux entreprises opérant dans les zones à déficit de gouvernance élaboré par l'OCDE est également utilisé dans ces programmes, merci de bien vouloir le mentionner à part.
- 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 ?

Des demandes d'information ont été reçues de plusieurs PCN concernant des circonstances spécifiques. Le PCN a également consulté des PCN sur des procédures en cours. Le secrétariat du PCN a eu l'occasion de présenter la révision des principes directeurs aux entreprises et aux organisations professionnelles ainsi qu'aux organisations syndicales et à plusieurs organisations non-gouvernementales.

C. Mise en œuvre dans des circonstances spécifiques

Les PCN souhaiteront peut-être communiquer les informations suivantes sur les dossiers concernant des circonstances spécifiques déposés et/ou réglés durant l'exercice compris entre juin 2010 et juin 2011 (Merci de veiller à ne soumettre que des informations susceptibles d'être publiées. Sous réserve de respecter l'engagement des pays signataires d'agir conformément aux critères fondamentaux de visibilité, d'accessibilité, de transparence et de reddition de compte, les PCN peuvent communiquer toutes les informations qu'ils souhaitent) :

- Date de réception de la requête d'examen de circonstances spécifiques.
- Auteur de la requête (entreprise, organisation syndicale, ONG).
- Chapitres des Principes directeurs cités dans le dossier relatif aux circonstances spécifiques. Si possible, mentionner également les éventuelles recommandations particulières visées par la requête.
- Les circonstances spécifiques invoquées ont-elles trait à des activités commerciales menées dans un pays non signataire ? Les circonstances spécifiques ont-elles impliqué plusieurs pays ou territoires et d'autres PCN ? Est-ce que le PCN du pays d'origine de l'entreprise impliquée dans une circonstance spécifique a pris contact avec la maison-mère de cette entreprise ?
- Secteur d'activité : industries extractives (laquelle?) ; agriculture ; autres branches du secteur primaire ; secteur manufacturier (quelle branche ?) ; services financiers ; commerce de détail ; transports ; autres services.

- La demande d'examen des circonstances spécifiques a-t-elle été acceptée ou rejetée ? Après avoir établi qu'une question méritait ou non un examen approfondi, le PCN a-t-il justifié sa décision dans une déclaration publique ? Merci de donner des détails sur cette déclaration.
- Est-ce les questions soulevées dans les circonstances spécifiques ont fait l'objet de procédures parallèles ? Si oui, de quelle nature étaient ces procédures ? Est-ce que les deux parties ont été impliquées dans ces procédures parallèles ? Est-ce que ces procédures ont eu un impact sur les circonstances spécifiques ? Est-ce que le PCN a consulté les institutions chargées des procédures parallèles ?
- Sous quelle forme le PCN a-t-il proposé ses bons offices ?
- Est-ce que les parties sont arrivées à un accord sur les questions soulevées ? Dans l'affirmative, est-ce que le PCN a publié un rapport sur ce résultat ?
- Dans le cas où les parties impliquées ne sont pas arrivées à un accord, est-ce que le communiqué publié par le PCN à l'issue de la procédure des circonstances spécifiques contenait des recommandations concernant la mise en œuvre des Principes directeurs ? Est-ce qu'il faisait mention de dispositions permettant de suivre la mise en œuvre de ces recommandations ?
- Quelle a été la durée complète de la procédure ? Plus précisément, combien de temps ont respectivement duré les trois étapes (1. première évaluation ; 2. assistance aux parties, et 3. conclusion de la procédure) ?
- Le PCN pourrait-il fournir des informations complémentaires sur les dossiers relevant de circonstances spécifiques, notamment sur la façon dont les données relatives aux circonstances spécifiques ont été recueillies ? L'accès à des informations fiables, la confidentialité de ces informations ou l'identité des parties ont-ils posé des problèmes ? Est-ce que toutes les parties impliquées dans des circonstances spécifiques ont été d'accord avec le contenu du communiqué final du PCN ?

Le PCN français a été saisi depuis août 2010 des circonstances spécifiques suivantes. Le PCN informe les entreprises de la saisine et leur demande des éléments de réponse en vue d'apprécier la recevabilité de la circonstance spécifique. La mission de bons offices est conduite par le PCN avec un rôle particulier entre les sessions du président du PCN. Il ressort de ces saisines que la majorité des cas touchent au chapitre Emploi et relations professionnelles et concernent aussi des pays adhérents aux principes que des non-adhérents.

1. Entreprise française du secteur de la restauration collective (Etats-Unis et Colombie) – août 2010 – demandeur : CGT

Recevabilité admise par le PCN (février 2011)

Principes visés : emploi et relations professionnelles

Procédure parallèle : le PCN des Etats-Unis a été également saisi (coopération en cours). Des procédures administratives et judiciaires ont été signalées.

2. Entreprise française de négoce dans le secteur textile (Ouzbékistan) – octobre 2010 – auteur de la saisine: Sherpa

Recevabilité admise par le PCN (février 2011)

Principes visés : emploi et relations professionnelles.

Procédure parallèle : d'autres PCN ont été saisis pour des faits similaires concernant d'autres entreprises (coopération en cours).

3. Entreprise française dans le secteur de l'hôtellerie (Bénin et Canada) – novembre 2010 – auteur de la saisine : UITA

Recevabilité admise par le PCN (février 2011)

Principes visés : emploi et relations professionnelles.

Procédure parallèle : Des procédures administratives et judiciaires ont été signalées.

4. Entreprise camerounaise dans le secteur de la production d'huile de palmes (Cameroun) - décembre 2010 – auteur de la saisine : Sherpa

Examen de la recevabilité en cours.

5. Entreprise française dans le secteur de la production d'amidon et de produits dérivés (Etats-Unis) – février 2011 – auteur de la saisine : UITA

Examen de la recevabilité en cours.

6. Entreprise du secteur de la production et commercialisation de pièces détachées pour l'industrie automobile - Mars 2011 – auteur de la saisine : quatre organisations syndicales nationales du secteur de la sidérurgie (FGMM-CFDT, FTM-CGT, CFE-CGC métallurgie, FO Métaux) et Fédération internationale des organisations des travailleurs de la Métallurgie.

Examen de la recevabilité en cours.

Circonstances spécifiques examinées à ce jour par les Points de contact nationaux

L'annexe 4 présente un tableau récapitulatif, jusqu'en juin 2011, des circonstances spécifiques dont les PCN ont accepté de se saisir. Les PCN sont priés de vérifier ces informations et de les mettre à jour si nécessaire.

D. Divers

- Comment les critères fondamentaux de fonctionnement des PCN prévus par les Principes directeurs (visibilité, accessibilité, transparence et reddition de compte) et, si la mise à jour des Principes directeurs est adoptée, par les principes complémentaires relatifs aux circonstances spécifiques (impartialité, prévisibilité, équité et compatibilité avec les Principes directeurs) ont-ils été appliqués dans votre pays pour rendre la mise en œuvre des Principes directeurs encore plus efficace ? Veuillez fournir des exemples pour illustrer ces différents points.
- Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN au cours de ce cycle de mise en œuvre des Principes directeurs, y compris d'éventuelles expériences utiles et/ou des difficultés rencontrées dans l'exercice de la mission du PCN ?
- Si le PCN a en sa possession des études ou des statistiques permettant d'apprécier le degré de sensibilisation des sociétés aux Principes directeurs, souhaiteriez-vous inclure ces informations dans votre rapport ?

- Quelles sont les questions qui pourraient mériter une attention particulière durant le cycle 2011-2012 de mise en œuvre des Principes directeurs de l'OCDE ? Merci de bien vouloir préciser.

La période 2010/2011 a été marquée par un nombre élevé de saisines (6) pour des circonstances spécifiques, contrastant avec la période antérieure pendant laquelle le PCN n'avait pas été saisi de cas pendant cinq années.

La négociation pour la mise à jour des principes directeurs a été l'occasion d'engager sur la période 2010/2011 une concertation approfondie avec les membres du PCN et les entreprises sur la nature, l'organisation et le fonctionnement du PCN ainsi que sur le contenu même des principes directeurs. La mise à jour des Principes directeurs conduira le PCN à réfléchir à une actualisation de son règlement intérieur.

GERMANY/ALLEMAGNE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

Antwort DEU:

The Procedural Guidance is published on the German National Contact Point’s web page.

Although being composed as a ‘Single department’-NCP (attached to the Federal Ministry for Economics and Technology), all Federal Ministries concerned are actively participating in the decisions and the work of the German National Contact Point, especially in specific instances procedures. This encompasses support of the National Contact Point in the assessment of complaints, participation in consultation with parties, involvement in the preparation of decisions and recommendations, which then are agreed upon by the Federal Ministries represented in the ‘Ministerial Group on the OECD Guidelines’ (current composition see Annex 1). The Federal Ministries were also closely consulted during the updating process of the OECD Guidelines.

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

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

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

- How does the NCP relate to other government agencies?

Antwort DEU:

The National Contact Point consults other Federal Ministries including the Federal Foreign Office, Federal Ministry for Labour and Social Affairs, the Federal Ministry of Justice, the Federal Ministry of Finance, the Federal Ministry for Economic Cooperation and Development, the Federal Ministry for Environment, Nature Conservation and Nuclear Safety as well as the Federal Ministry for Food,

Agriculture and Consumer Protection and closely involves them into the implementation of the Guidelines. Furthermore, these Ministries cooperate and participate in conciliation or mediation proceedings. Along with the regular meetings mentioned above, each of the participating ministries may convene meetings as needed. If necessary, additional ministries may be called upon to provide specific expertise.

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

Antwort DEU:

Within the context of the “Working Party on the OECD Guidelines”, the National Contact Point offers representatives of business organisations and social partners the opportunity to participate in Guidelines-related activities, as was the case several times during the period of this report concerning the updating process of the OECD Guidelines. The National Contact Point may consult and include them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the parties involved.

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

Antwort DEU:

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

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

Antwort DEU:

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

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

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

B. Information and Promotion

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

Antwort DEU:

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

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

Antwort DEU:

The leaflet and additional information on the Guidelines are available at all 80 Chambers of Industry and Commerce in Germany (IHK), at the 61 German bilateral Chambers of Industry and Commerce abroad, at the 19 Offices of the Delegates/Representatives of German Industry *and* Commerce and their 39 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 Federal Ministry of Economics and Technology (BMWi). Furthermore, information on the Guidelines is available at the Association of German Chambers of Industry and Commerce (DIHK), which functions as the umbrella organization for the chambers. The information is displayed at DIHK and IHK events and all other chamber activities at the regional and federal level related to investments in non-adhering countries. An introduction to the Guidelines with contact addresses and a download of the leaflet is integrated on the DIHK and other IHK and AHK websites. In addition, companies with a concrete investment interest in non-adhering countries are informed by IHK and AHK foreign trade officials when being involved by individual contacts. The Guidelines are also mentioned in major chamber publications on foreign investment topics.

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

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

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

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

Antwort DEU:

The Guidelines are promoted by the German government’s main website for foreign trade and investment (iXPOS). The leaflet has been distributed by the economic sections of all German embassies abroad as well as other institutions, e.g. the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development as well as the UN Global Compact Germany represented by the Gesellschaft für Internationale Zusammenarbeit (GIZ).

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

Antwort DEU:

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

These include:

Workshop “Corporate Accountability – Corporate Social Responsibility”, Evangelic Academy Berlin, 1 April 2011

Other publications include an informative section on the *Guidelines* in the 2010 Annual Report on Foreign Investment Guarantees published by PriceWaterhouseCoopers AG, a leading partner of the federal government in managing these guarantees, underlining the importance the Ministry attaches to the *Guidelines*.

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

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

Most specifically, work has begun on a handbook for German companies, which shall help to further promote the *Guidelines* and give orientation especially to small and medium sizes enterprises in the

understanding of the *Guidelines* and their implementation in their commercial activities abroad. Given the update of the *Guidelines*, finalization and publication of the handbook shall follow accordingly.

In the framework of a number of Committee hearings in the Bundestag (German Parliament) the role of the OECD Guidelines and the updating process have been highlighted.

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

Antwort DEU:

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

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Antwort DEU:

No update is necessary.

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

Antwort DEU:

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

Information was also closely exchanged on individual cases in the same field involving several National Contact Points.

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

The main area of interest during the period of this report was the updating process of the OECD Guidelines.

In this framework, the German National Contact Point also hosted a round of consultations with the members of the Working Party for updating the OECD Guidelines in April 2011.

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 2010-2011 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

Antwort DEU:

1.) At the beginning of the reporting period, the complaint submitted by the NGOs Wake up and Fight for Your Rights Madudu Group and FIAN Deutschland e.V. against Neumann Gruppe GmbH, a German company producing coffee, on 15 June 2009, regarding business activities in Uganda (a non-adhering country), was still pending. Since, after a number of inquiries, including fact-finding by the German Embassy, and mediation activities initiated by the German National Contact Point, including a meeting with both parties together, the parties did not reach an agreement on the issues raised, the proceedings were concluded on 30 March 2011 with a Final Declaration by the German National Contact Point, which has been published on its website.

2.) On 22 October 2010, the NGOs European Center for Constitutional and Human Rights (ECCHR) and Uzbek-German Forum for Human Rights e.V. submitted with the German National Contact Point a complaint against Otto Stadlander GmbH, a German company dealing with cotton, regarding business activities in Uzbekistan (a non-adhering country). This complaint is still pending. Similar instances have been raised with the British, French and Swiss National Contact Points, with which the German National Contact Point is closely consulting.

Hinweis: Die nachfolgenden Fragen wurden vorstehend jeweils im Zusammenhang soweit wie möglich beantwortet.

- Date request to consider specific instance was received.
- Who raised the specific instance (e.g. business, trade union, NGO)?
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- Was the request to consider the specific instance accepted or rejected? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?
- Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How

the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?

- In what form has the NCP provided good its offices?
- Did the parties reached agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?
- Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?
- What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Antwort DEU:

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

- meetings of both the ‘Ministerial Group on the OECD Guidelines’ and the ‘Working Party on the OECD Guidelines’
- improvement of the National Contact Point’s web page, including new, easily accessible internet- and e-mail-adresses
- promotional activities of the National Contact Point
- publication of Procedural Guidance on the National Contact Point’s web page
- publication of information on concluded instances, including summarized reasoning for rejection of cases, on the National Contact Point’s web page
- active cooperation with other National Contact Points

- active, frequent and transparent information of parties to specific instances on state of the play and further considerations
 - handbook to be finalized in autumn
- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

Antwort DEU:

Not at this stage.

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

Antwort DEU:

No.

- What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

Antwort DEU:

This will be discussed at the annual meeting of the National Contact Points.

GREECE/GRÈCE

May 2011

A. Institutional arrangements

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

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

It 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, Competitiveness & Shipping (YPOIAN) is designated as NCP.

B. Information and Promotion

- The OECD Guidelines for Multinational Enterprises (*Guidelines*) are available in Greek, together with an Introductory Note and further information on the Greek NCP on the portal www.mnec.gr², as well as on the websites of the Invest in Greece Agency (www.investingreece.gov.gr) and the Export Credit Insurance Organization (OAEP) (www.oaep.gr). Links are provided to relevant OECD and EU sites.
- We keep up revising and reproducing our informational leaflet (first published in 2007 with regard to issues and procedures of the *Guidelines*) and distributing it to interested parties.
- We cooperated closely with several governmental departments for the update of the *Guidelines* (such as the General Secretary of Trade and the General Directory of Private Investments of YPOIAN, the Ministry of Finance, the Ministry of Environment, Energy & Climate Change, as well as with the political leadership of YPOIAN).
- We attended regular sessions of the National Export Council (ESEX) and gave information on the *Guidelines* and the functioning of the Greek NCP to the participants coming from Chambers of

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

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

Commerce and Industry, Federations of Enterprises and Employees, Unions and Associations over the country.

- We participated in the Annual Corporate Social Responsibility Conference organized by the American-Hellenic Chamber of Commerce: “BUILDING RESPONSIBLE COMPANIES — BEST PRACTICES IN SUSTAINABILITY”. The conference aimed to build CSR awareness and encourage more companies based in Greece to embrace corporate social responsibility practices in the business community and the public sector. The conference –attended by 200 delegates from the corporate world, academicians and NGO’s– discussed current trends in corporate responsibility and best practices in the marketplace, workplace and environment.
- We participated in the meeting concerning the: “Social Responsibility of the Organizations, ISO 26000 and needs in Greece”, organized by the Hellenic Organization for Standardization (ELOT) and we had the opportunity to exchange views on the International Standard ISO 26000 and discuss over the requirements of the Governmental Social Responsibility Management System. Furthermore, information on the Guidelines and the NCP has been provided to representatives from the Institute of Social Innovation, the Hellenic Environmental Union, the National Technical University, the Citizen’s Movement-Campaign “NGOs for Institutions” and the business community (the S & B Industrial Minerals S.A., the ELLAKTOR Group etc.).
- We informed members of the Hellenic Parliament, participating in the Parliamentary Assembly of the Mediterranean (PAM) panel on External Trade & Investments in the Mediterranean, of the *Guidelines* and the Greek NCP.
- We also informed Greek members of the European Parliament of the *Guidelines* and the functioning of the Greek NCP.
- We stressed the importance of the *Guidelines* and the role of the NCP in the proposals submitted by Greek Business Associations (the Exporter’s Association of Northern Greece –SEVE & the Exporter’s Association of Crete) concerning the national export and industrial strategy.
- We distributed our informational leaflet to the participants of the Arab-Greek Economic Forum organized by the Arab-Hellenic Chamber of Commerce & Development.
- We kept up providing relevant information within the new scheme of YPOIAN, as well as to the Hellenic Bank Association, the Hellenic Network for Corporate Social Responsibility (CSR) – partner of CSR Europe and a number of governmental agencies, such as the Hellenic Foreign Trade Board (HEPO).
- We pursued the cooperation with:
 - the Ministry of Foreign Affairs concerning
 - the promotion of the Greek NCP through the Ministry’s website “agora” (by link)
 - the information of Greek businessmen abroad about the *OECD Guidelines*, through the Greek embassies/consulates
 - the distribution of informational material.
 - the General Secretariat of Consumers Affairs, concerning
 - the promotion of the Greek NCP through the General Secretariat’s website (by link)
 - the promotion of Corporate Social Responsibility generally, and in particular in relation to the responsibilities of multinational companies towards consumers and how consumers can encourage multinational enterprises to live up to the recommendations of the *OECD Guidelines*
 - the distribution of informational material.
 - the Hellenic Organization of Small and Medium Sized Enterprises & Handicraft (EOMMEX) concerning
 - the promotion of the Greek NCP through the Organization’s website (by link)
 - the distribution of the Greek NCP’s informational leaflet and the awareness of the *Guidelines* within the small and medium sized entrepreneurs.
 - the Greek General Confederation of Labour (GSEE) concerning

- the promotion of the Greek NCP through the GSEE website (by link)
 - the promotion of Corporate Social Responsibility generally and, in particular, in the field of labour and industrial relations.
- Not only are we in close co-operation with them all for the active promotion of the *Guidelines*, but for the handling of any specific instances that may come up in the future as well.
- We provided information on the *Guidelines* and the functioning of the Greek NCP to companies, businessmen, researchers etc., Greek or foreigner who addressed to us.

C. Implementation in specific instances

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

D. Other

Further promotional activities are planned. In this context, we plan to update the Greek NCP webpage and intend to inform governmental departments, agencies, trade unions, employees and business associations, as well as other interested social partners of the Update of the OECD Guidelines. Our activities target to promote visibility of the *Guidelines* among different stakeholders.

HUNGARY/HONGRIE

A. Institutional Arrangements

Since the new Government assumed office last June, the Hungarian National Contact Point (the NCP) has been operated by the Ministry for National Economy.

Within the Ministry, the NCP is part of the International and EU Affairs Department of Deputy State Secretariat for International and EU Affairs. The day-to-day business of the NCP is run by officials of the Ministry for National Economy (NCP Secretariat).

After the entry into force of the updated Guidelines for Multinational Enterprises in May 2011, the Hungarian NCP will readapt its present structure so as to find the most suitable form to promote the Guidelines for Multinational Enterprises among the stakeholders in an effective and appropriate way.

Relations to other government agencies

The NCP maintains regular contacts with different government agencies dealing with issues covered by the OECD Guidelines.

During the review period of the Guidelines, the NCP cooperated closely with these government agencies in order to develop the Hungarian position regarding the update of the Guidelines.

Relations with other initiatives e.g. the UN Global Compact

The NCP aims to work closely with other agencies and interested parties in order to promote the initiatives laid down in the Guidelines.

The Global Compact Network in Hungary has 20 members listed on the web including main actors of oil and telecommunication sectors³. The latest participant - “**Magyarországi Egyesület az Erőszak és a Megkülönböztetés Ellen**” (Hungarian Association Against Violence and Discrimination) - joined the Network in June 2010.

B. Information and Promotion

The NCP has published its own internet page providing the necessary information related to the Guidelines and the functioning of the NCP. The web page is regularly updated.

The website of the NCP includes⁴:

- a description of the role of the NCP,

³ http://www.unglobalcompact.org/participants/search?commit=t&country%5B%5D=82&page=1&per_page=25

⁴ <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/kulgazdasagert-felelos-allamtitkarsag/hirek/oecd-magyar-nemzeti-kapcsolattarto-pont>

- a link to the Guidelines,
- an introductory guide to the Guidelines and its processes,
- the contact details of the NCP,
- a link on the NCP website to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones,
- links to the relevant Committees on the OECD website.

The Guidelines are available in Hungarian as well as in English from the NCP in both written and electronic form.

Co-operation with state owned agencies in matters concerning information and implementation of the Guidelines

The Hungarian EXIMBANK (a public-owned bank supporting Hungarian export) published a summary of the Recommendation on Bribery and Officially Supported Export Credits by the OECD Council⁵.

On the homepage of the Hungarian Export Credit Insurance Pte Ltd. (MEHIB) there is an implemented OECD document on Bribery and Anti-corruption and a direct link to the OECD webpage.⁶

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

The NCP has its own internet page providing the necessary information related to the Guidelines and the functioning of the NCP. It also contains information on the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁷.

Enquiries of the NCP

Have enquiries been received from:

(a) other NCPs;

No.

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

No.

(c) governments of non-adhering countries

No.

⁵ <http://www.eximbank.hu/szabalyzatok-kondiciok/OECD-ajanlas/>

⁶ <http://www.mehib.hu/Default.aspx?menuid=105&block=1>, www.mehib.hu/Default.aspx?menuid=10739&block=9

⁷ <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/kulgazdasagert-felelos-allamtitkarsag/hirek/oecd-magyar-nemzeti-kapcsolattarto-pont>

C. Implementation in specific instances

No specific instance was brought to the attention of the NCP during the period reported.

D. Other

Visibility

It is a priority for the NCP to enhance its visibility among stakeholders via its renewed and regularly updated website and through direct contact with interested parties. The Hungarian translation of the Guidelines is available. Our aim is to make the NCP well known to NGOs, claimants and researchers so they know where to turn whenever a concrete instance or request arises.

Accessibility

The NCP makes Guidelines related information available on its website and on request in hard copy. The NCP is ready to respond all inquiries and requests for information received. The NCP Secretariat can be contacted by telephone, e-mail or post and will react to all requests within a reasonable time period.

Transparency

The NCP carries out its activities in a transparent manner. According to the NCP's rule of procedure published on the website, all inquiries concerning the Guidelines for Multinational Enterprises should be submitted in a written format and the NCP has the obligation to reply to all requests within short deadlines. The NCP publishes its annual activity report on its website.

Accountability

The NCP is accountable to the Government and to the Parliament through the Minister for National Economy.

IRELAND/IRLANDE

A. Introduction

This is the eleventh Annual Report of Ireland's National Contact Point on the OECD Guidelines for Multinational Enterprises. The Report is submitted for consideration at the Annual Meeting of National Contact Points and submission to the OECD Investment Committee. The Report covers the period since the last annual report, - June 2010 to June 2011

A. Institutional Arrangements

National Contact Point for the OECD Guidelines for Multinational Enterprises

Ms. Dymphna Hayes, Principal Officer

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

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Web www.deti.ie

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

Ms Hayes is also the Department's representative on a number of Inter-departmental committees, which actively promote, inter alia, corporate social responsibility. These committees include the Senior Officials Compliance Committee, chaired by the Department of Justice, Equality and Law Reform, which deal specifically with the Anti-Bribery offence.

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

While there is no formal advisory committee associated with the NCP function, the NCP maintains communication with the main stakeholders, including other Divisions within the Department of Jobs, Enterprise, and Innovation; the Departments of , Foreign Affairs, Finance, Justice and Law Reform, Environment, Heritage and Local Government, State Agencies; the Irish Business and Employer's Confederation [IBEC]; Irish Congress of Trade Unions [ICTU] and Professional and Trade Organisations, and the NGO community, which are actively involved in overseas economic work. The NCP is available for consultations with any party expressing an interest in the Guidelines.

The NCP established a dedicated multi stakeholder mechanism comprising representatives of all of the aforementioned Departmental Divisions, agencies, NGO community, as well as representatives of the range of relevant Government Departments for the purpose of ensuring a comprehensive and coherent national position in the recently concluded update of the Guidelines.

B. Information and Promotion

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

As part of outreach activities to that end, the NCP has availed of the opportunity provided by this year's Update to reinvigorate contact with corporate governance experts in both the national employers federation - Irish Business and Employers Confederation (IBEC) and in the Irish Congress of Trade Unions (ICTU) as well as in the NGO community.

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

- **Website Access and Information**

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

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

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

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

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

Following the strengthened Procedural Guidance for NCPs in the recently adopted Update of the Guidelines, it is the intention of the NCP to continue to work with the consultation mechanism set up last year in advance of the Update process, as a means of ensuring the ongoing robust stakeholder cooperation required to meet the new agreed requirements of the Office of the NCP. This will also facilitate the proactive agenda agreed in the Update.

- **Other Information and Promotion**

Irish Government policy continues to support the promotion of CSR as a voluntary initiative of companies, rather than a statutory requirement. There is no single government department carrying particular responsibility for CSR and current responsibility for some of the various elements that it comprises is dispersed across a variety of units within the Department of Jobs, Enterprise and Innovation, I and across other Departments.

The Department of Jobs, Enterprise, and Innovation recognizes that Government has a role to play in encouraging and supporting the adoption of socially and environmentally responsible attitudes and practices by enterprises. The Department's Sustainable Development Strategy⁸ focuses on four aspects of corporate social responsibility

- Good corporate practices,
- Sustainable management practices,
- Sustainable trade, and
- Sustainable consumerism

The Department of Jobs, Enterprise, and Innovation and its agencies, in particular Enterprise Ireland, are continuing to work on a range of fronts to communicate to businesses in Ireland the benefits of adopting corporate responsibility. The Department continues to follow the progress of discussions in international fora that address matters relating to corporate social responsibility.

The **Department of the Environment, Heritage and Local Government** are currently developing a **National Sustainable Development Strategy** and the head of the Division dealing Enterprise and Trade in the Department of Jobs, Enterprise and Innovation is a member of the High Level Group for this Strategy. It is expected that the report will be finalised by the end of 2011.

C. Implementation in Specific Instances

On 20 July 2010, the Irish NCP, together with the Dutch NCP, issued a joint final statement on the notification dated 21 August 2008 from a local community group, supported by French and Irish justice

⁸ The former Department of Enterprise, Trade & Innovation published its *Sustainable Development Strategy 2003-2005* which set targets relating to the impact of business in areas such as climate change, corporate sustainability and corporate social responsibility. The Strategy contained a section on Corporate Social Responsibility, which identified encouraging knowledge and observance of OECD Guidelines for Multinational Enterprises, as a key commitment and indicator.

and peace NGOs, alleging breaches of the OECD Guidelines by a Shell led Consortium, in connection with the operation of a gas project on the west coast of Ireland.

Following unsuccessful Government efforts to mediate between the two sides the Irish and Dutch NCPs held bilateral meetings with the Consortium, the Notifiers and Government Departments concerned. Having fully considered the outcome of these discussions and the potential, if any, for future consultations with the parties concerned, the NCPs were of the opinion that the impasse between the two sides meant that a mediatory attempt in the current circumstances would have little chance of success. The Notifiers regretted this outcome and requested the NCPs to issue a final statement in which their notification would be reviewed in the light of the OECD Guidelines.

The final statement was published on 30 July 2010. The issue of the location of the gas processing plant was the main demand of the Notifiers; the NCPs regrettably concluded from their discussions with parties and from studying the documentation relation to the case that the parties seemed to be irreconcilable in relation to the location of the gas processing plant and that a mediatory attempt on the basis of this main demand would not yield any results. The NCPs also concluded that while in the early stages of the project, dialogue with stakeholders had not been in accordance with the spirit of the Guidelines, since 2005 however, the consortium had improved its practices and shown willingness to address health and safety concerns.

The statement commented on the due diligence aspects to the effect that when an enterprise in the EU, e.g. in its exercise of due diligence, is faced with concerns of local stakeholders over their situation and rights, the enterprise has the responsibility to consider, where appropriate, going beyond what is legally required when it comes to holding consultations with the local community. This is precisely what is recommended in chapter V of the OECD Guidelines with regard to health and safety aspects of an enterprise's activities.

D. Other

The Department of Jobs, Enterprise, and Innovation is satisfied that necessary public awareness concerning the existence of the Guidelines for Multinational Enterprise and their contents exists. The Specific Instance mentioned at C above is arguably one of the most high profile, controversial and long running case in Irish industrial history and, as such has generated considerable Media coverage of the Specific instance in question including the Final Statement published last July, and of the OECD's Guidelines and the associated NCP Process in Irish media.

**Bilateral Trade Promotion Unit,
Department of Jobs, Enterprise, and Innovation,
Kildare Street
Dublin 2, Ireland**

June 2011

ISRAEL/ISRAËL

A. Institutional Arrangements

- Annex 1:

As reported previously, the Israeli NCP functions as a single department within the Foreign Trade Administration, Ministry of Industry, Trade and Labor. An Advisory Committee, composed of representatives from the ministries of Foreign Affairs, Finance, Environment and Justice, oversees the functioning of the NCP, including with regard to specific instances. The NCP cooperates with additional governmental bodies as necessary – thus, ministries of National Infrastructure and the Interior were actively involved in the specific instance proceedings in 2011.

A Steering Group was established in 2010, comprised of representatives from a wide variety of stakeholders from the civil society, as well as business and employee organizations. The Steering Group has conducted a number of meetings hosted by the NCP, discussing the Guidelines in the Israeli context, as well as providing recommendation for NCP's communication and outreach activities, with the aim of enhancing the promotion and dissemination of the Guidelines. The bodies involved in the Steering Group are expected to also actively assist the NCP in its outreach efforts. Thus, the NCP has been in direct contact with business and employee organizations, as well as some of the other non-governmental organizations, providing them with materials and presentations regarding the Guidelines and participating in CSR events, organized by those partners.

- Annexes 2: no updates

B. Information and Promotion

- The Guidelines have been translated into both Hebrew and Arabic and are available both in electronic format on the websites of the Ministry of Industry, Trade and Labour and the Investment Promotion agency (please see update to Annex 3), and in hard copy by means of a printed booklet. A thorough reconstruction of the OECD related part of the Ministry's website is in its final stages, in order to expand beyond accession related issues. As part of this project a special website regarding MNEs Guidelines and the NCP is being designed. In addition, the NCP is currently working to increase the on-line dissemination of the Guidelines, creating and maintaining links to the Guidelines in websites of Government Ministries and Agencies which deal directly or indirectly with inward and outward investment.
- Israeli companies doing business abroad are made aware of the Guidelines both through direct promotional activities in Israel and via the economic and commercial representatives posted in Israeli embassies abroad, who are in contact with Israeli companies in their host country.

- In addition, the NCP has produced a flyer regarding the Guidelines and the Israeli NCP, which is being distributed electronically and in a hard copy, at various CSR conferences. It also distributed to Israeli companies operating abroad via the network of the commercial attaches.
- Cooperation with the business community, trade unions, NGOs and other stakeholders is being performed either directly or through the abovementioned Steering Group. The NCP promoted the Guidelines on numerous occasions (conferences, seminars and other relevant events) through an information booth, oral presentations or participation in panels. Among these events were:
 - i. Maala Conference 2010 (considered the primary platform for discussion of CSR in Israel, presents the Maala Ranking, which rates 100 Israel's largest companies on their commitment to CSR);
 - ii. The 4th "Beyond Business" Conference for Social and Environmental Responsibility of Enterprises.
 - iii. The 18th International Conference of the Israeli Society for Quality;
 - iv. The Israchem Exhibition (Panel discussion concerning sustainability in the chemical industry).

C. Implementation in specific instances

There was one specific instance dealt with by the NCP during the reporting period. The complaint was submitted on May 28, 2010 by a group of citizens, raising allegations of non-compliance of a US company operating in Israel, in collaboration with Israeli companies. The complaint referred to the Environmental Chapter - articles V.2b and V.3 of Recommendations and article 35 of the Commentary, with regard to the environmental impacts of a large project in the energy sector, planned to be conducted in Israel by the aforementioned companies.

During the initial assessment by the NCP, there was a change in circumstances, following which the complaint was no longer relevant. Nevertheless, the NCP provided the complainants with access to an official source in order for them to gain the specific information that they were seeking from the alleged non compliant company. The case was closed with the complainants' consent.

The issues raised were not addressed in parallel legal proceedings. The duration of the instance was 9 months. It was prolonged due to the extensive consultations the NCP needed to conduct vis-à-vis relevant governmental authorities as well as with the company itself, in order to gain clarity regarding the factual situation and specifically the status of the regulatory framework directly influencing the issue raised. As mentioned earlier, a certain governmental decision taken in a parallel process (independent of the NCP procedure) has altered the situation in such a way that no further offices of the NCP were needed.

D. Other

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

The issue of promotion and dissemination of the Guidelines was made the focus of the Israeli NCP during the 2010-2011 implementation cycle. Appropriate exchange of ideas and experiences with other NCPs could be useful, especially in view of the need to promote the Updated Guidelines, possibly sharing promotional materials in English or creating a database of an assortment of promotional activities, drawn from the experience and success stories of various NCPs. In addition, it would be useful to have an easy and structured access to specific thematic discussions in past Chair's Annual Reports (such as the investment nexus issue), possibly as a "virtual library" utilizing the Clearspace infrastructure.

ITALY/ITALIE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.*

Please, see the updated Annex 1 and 2.

- *NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).*

The Italian NCP has recently enlarged the Committee composition to other relevant stakeholders (please see for further details Section A, last bullet point). According to the Ministerial Decree of March 18th 2011, the Committee composition now includes other relevant stakeholders such as ABI (Association of Italian Banks), Unioncamere (Confederation of Italian Chambers of Commerce), Local Authorities (Conferenza Stato-Regioni), Small and Medium Enterprises Associations, Consumers Associations (Italian National Committee of Consumers).

The enlargement of the NCP aims at enabling the banking and entrepreneurial operators to encourage the adoption of CSR practices and integrate them in the corporate management as well as in the assessment of its stability by the market.

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

The NCP’s organisational structure is composed by:

1. the Director of the Ministry’s General Directorate for Industrial Policy and Competitiveness, who represents the NCP and has the decision-making powers;
 2. the Committee, composed by representatives of Ministries and of the most important trade unions, business associations (SMEs and Companies) and local authorities. This composition is, anyway, flexible: all stakeholders with a legitimate right to attend the Committee works can be authorized, by the General Director, to take part in it;
 3. the Secretariat, which is in charge of assuring the operational functioning of the NCP.
- *How does the NCP relate to other government agencies?*

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

Moreover, as illustrated below, the NCP agreed with the internationalisation and investment promotion agencies on some initiatives that are being implementing in order to encourage the adoption of the Guidelines.

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

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

After the aforementioned Decree, the NCP comes to include ABI, Unioncamere, SMEs Associations and banks. Furthermore, the Protocol with ABI and Confindustria requires close cooperation for the diffusion of the CSR Guidelines among associated banks and companies. The cooperation will include also the creation of a set of indicators for *SME sustainability* to monitor the level of implementation of the CSR guidelines. To stress the importance of the partnership, ABI set up a committee for the Guidelines diffusion among member banks and companies and SME receiving credit.

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

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

In partnership with “Istituto Tagliacarne”, on 11 April 2011, the NCP launched the second part of the project “*Stakeholders’ information and awareness: the OECD Guidelines and CSR principles*”. The Project started in April 2010 and consists of seminars and workshops addressed to stakeholders such as: national business associations, trade unions, consumers and business consultants on the whole Italian territory. In this framework, business consultants introduced Corporate Social Responsibility and the Guidelines as a matter of examinations in their national tests.

- *How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?*

Contacts between the Italian NCP and the local UN Global Compact are currently being developed through the representative of the Ministry of Foreign Affairs in the NCP’s Committee.

In reference the UNI ISO 26000 standard development, the NCP Secretariat kept cooperating with the Italian delegation.

B. Information and Promotion

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

The OECD Guidelines in the Italian and English version are available on the Italian NCP's website (www.pcnitalia.it). At present, the NCP is translating the 2011 updated version of the Guidelines that will be published after the adoption by the Council Meeting at Ministerial level.

The website is regularly updated in both languages, in order to provide information on the NCP's activities and on the CSR topic, both at national and international level and on the pertinent OECD works.

In 2011 the number of visits⁹ to the website amounted to more than 80.000 and the number of accesses¹⁰ was more than 800.000.

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

The online newsletter "PCNM@agazine", released quarterly in Italian and English, is published on the NCP website and sent to around 4.000 interested addressees.

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

The NCP organized and/or participated to the following events:

- Workshop *Dal dire al fare* (international meeting on social responsibility); (Milan, May 2011);
- VII Forum of Politeia on "Business Ethics and CSR in a Global Economy" (Milano, May, 2011);
- International Conference of "Valore Sociale" entitled "The human rights impact assessment: a practical tool for promoting ethics in the enterprise", (Milan, May, 2011);
- Seminar for students on the Guidelines at the LUISS University (Rome, April 2011);
- Training seminar on the Guidelines at INVITALIA (Rome, March 2011);
- The CSR Forum 2011, organised by ABI to promote and diffuse studies and exchange of best practices among banking and business operators (Rome, January 2011);
- Workshop on Social Criteria in Public Tender: Analysis and Proposals, in cooperation with the Ministry of Environment (Rome, December 2010);

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

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

- *Forum CSR Anima - Social responsibility and Competitiveness* with Unindustria (Confederation of Italian Industries, Rome Chapter); (Rome, November 2010);
 - *Forum Responsible Med – Kick – off Project meeting* (Florence, 8 – 9 July 2010);
 - *Forum How convenient is it to manage security and environment?* at Unindustria (Confederation of Italian Industries, Rome Chapter); (Rome 13 July 2010);
 - *Health, Work And Social Responsibility - 8th IOHA International Conference* organized by AIDII, Italian Industrial Hygiene Association, on behalf of IOHA and by INAIL and ISPESL, the two Italian institutions responsible for prevention and insurance of professional risks (Rome, 28 September - 2 October 2010);
 - *Workshop on CSR incentives and business good practices among SMEs* Confindustria Genova, (Confederation of Italian Industries, Genoa Chapter); (September 2010);
 - *Workshop on CSR* organized by FEMCA – CISL (Trade Union of Energy, Fashion and Chemical); (Florence, June 2010);
 - *Workshop Dal dire al fare* (international meeting on social responsibility); (Milan 28 – 29 September 2010);
 - *Annual Meeting of PCN and Roundtable on CSR Launching an update of the OECD Guidelines for Multinationals Enterprises*; (Paris, 29-30 June 2010).
 - *Workshop on Social Responsibility within the Framework of OCDE Guidelines: Social Responsibility and Local Development*, organized with the local authorities of Puglia Region; (Bari 26 November 2010);
 - *Workshop on Social criteria in public tender: considerations and proposals*, organized at the Ministry of Environment; (Rome 13 December 2010);
 - *Symposium OECD - UNCTAD on International Investment Agreements: from common understanding to shared practices* (OCSE, 14 December 2010).
- *How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?*

The NCP is promoting a closer cooperation with ICE, SIMEST, SACE and INVITALIA. These agencies were invited to a special session of the NCP's Committee (January 2011) and encouraged to take an active role in supporting the dissemination of the Guidelines. Furthermore, the NCP requested them to present in due time an Action Plan related to their specific activities.

In particular, the NCP organized a workshop (April 2011) with INVITALIA (the Italian state-owned Investment Promotion Agency) to inform the Agency administrators and personnel on the nature and scope of the OECD Guidelines. INVITALIA was also requested to distribute the Guidelines to companies and businesses that require its services and support with a special attention to those eligible for financial incentives.

SACE (the Italian state-owned Export Insurance Agency) offered to support the NCP in the dissemination and implementation of the Guidelines. Namely, SACE included a reference to the Guidelines in its brochures and in the forms to be filled by the enterprises applying for its services.

The Agency also published on its magazine an interview to the Head of the Italian NCP's Secretariat.

ICE (the Italian state-owned Foreign Trade Agency) organized on May 2011 a workshop to inform its managers about the nature and scope of the OECD Guidelines.

SIMEST (the Italian state-owned Export Credit Agency) is now planning a set of initiatives dedicated to the CSR and 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 or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?*

In the concerned period both the Bocconi and the LUISS Universities continued the collaboration with the NCP, carried on in the past two years and aimed at deriving practical, useful tools for the enterprises - in particular SMEs – from the academic activity.

The LUISS University concluded its research carried out by 2010, entitled "The business networks for the dissemination of sustainability in small and medium enterprises". The outcomes were presented on the occasion of the High Level Meeting Bologna +10. The research has been carried out on a sample of SMEs, with the aim to appraise the functioning of the business network projects, the benefits for their members, the sustainability profile characterizing the single actors and the role of public policies in implementing sustainability projects.

Besides, the NCP commissioned another survey to the LUISS for 2011 on "The business network for the implementation of sustainability projects: problems and incentive mechanisms", that will focus on the best practices, the weaknesses and the incentive mechanisms to make networking be a driver for sustainability projects. As to the public policies, also the incentive mechanisms will be taken into consideration (including public procurement) as well as the relationship between local and central authorities.

- The Bocconi University presented its research project titled "*Implementing CSR in the supply chain*" builds on and extends existing studies aimed at investigating changing dynamics in the managerial models of the value chain. Based on a quali-quantitative analysis of data collected through the administration of a close-ended questionnaire to a sample of 153 companies, representative of the industrial structure of the Italian context the research shows how CSR is not only present among firms but also in corporate values and managerial approaches to internal processes and external relations. The outcomes have been illustrated on the occasion of the International Meeting on social responsibility, "*Salone Dal dire al fare*" (Milan, May 2011);
- *Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders*

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

- *Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is*

necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Concerning the OECD Guidelines on Official Export Credits – also with reference to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones - the organisation of an ad-hoc meeting on 12 October 2010 with the Italian institutions in charge of the matter (SACE) to improve the collaboration was actually put into practice.

The cooperation was enlarged to other national internationalisation bodies such as ICE (Italian Institute for Foreign Trade) and SIMEST (Italian Institution to support the activities of national enterprises abroad) . During this current year, SACE (the Italian institute providing insurance and financial products and services for companies as well as for banks for their business in Italy and abroad) and INVITALIA were also involved.

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

Enquires and exchange of information about the NCP's activities took place with other NCPs (mainly the UK NCP), with the business community (small businesses) and with labour organizations.

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 2010-2011 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

In the past year the Italian NCP has been strongly engaged in re-launching the specific instance mechanism among stakeholders and enterprises. It defined and implemented a new procedural guidance, including an indicative overall timeframe of 12 months and a new section of its website.

A specific instance has been raised on 2nd March 2011 by an Italian trade union *versus* a multinational - owned by an U.S corporation – based in Italy and operating in the automotive sector.

The instance is about the closure of a plant and the consequent collective dismissal of workers , and the non-compliance with Chap. IV Guidelines is alleged.

After a preliminary assessment, the Italian NCP considered that the raised issues merited further examination and notified the parties of the starting of the investigation, asking the enterprise to reply.

Judiciary and non-judiciary parallel proceedings are open and will be taken into consideration.

In February 2011 the UK NCP issued a revised statement and closed a case submitted in 2003 by several NGOs to more than one national NCPs (including the Italian NCP). The instance concerned the construction of an infrastructure by an international Consortium (lead by a British company) and crossing several non-adhering countries. It concerned the non-compliance with the following

Chapters of the Guidelines: I (Concepts and Principles), §§5 and 7; II (General Policies), § 3 and 5; III (Disclosure), §1; V (Environment) §1, 2a, 2b, and 4.

The UK NCP had been entrusted the whole case by virtue of the principle – strongly sponsored by Italy and established by the Investment Committee and contained in the 2011 updated text of the Guidelines - that in cases involving more than one NCP (because the enterprise's activity takes place in several adhering Countries), a leader NCP should be designated.

The UK NCP had issued its final statement on the case in 2007 and the Italian NCP adhered to it. Afterward, the UK NCP's statement underwent a revision for procedural reasons. In the meantime, the Italian complainant asked that some general questions be examined about 'host government agreements', an issue already raised by the Italian NCP to the Investment Committee which may need further consideration after the recent updated of the Guidelines.

The 2011 UK NCP's revised statement modifies a single point of the 2007 statement, recommending the Consortium to strengthen procedures to identify and respond to reports of alleged intimidations by its security to local villagers and other alleged breaches of the Voluntary Principles. As to the aforementioned general questions the UK NCP, also after a consultancy with the Italian NCP, asserted that there were no room for examining them, as they were unrelated to the revision.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

D. Other

- *How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.*

In the past year the NCP paid great attention in improving its performances in terms of visibility, accessibility, transparency, accountability and predictability. Above all it took advantage of the efforts made in 2009-2010 in order to have the specific instance procedure transparent and predictable (see also: "Implementation in specific instances"). Indeed a new specific instance has been submitted to the NCP and the stakeholders composing the Committee are more involved in the mechanism, as they must give their opinion on the cases. Moreover, the last cases' outcomes are published on the NCP's website.

The strong cooperation with the UK NCP, leader on the "BTC pipeline" case, helped the Italian NCP to clarify the practical application of the "leader NCP principle" and to close the case with a definite setting.

As to the accessibility and equitability, the NCP is also considering to involve authoritative external mediators in the settling of the specific instances.

Furthermore, the NCP's transparency will be improved through a new website page in order to present the Committee's members to the public.

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

The diffusion of the Guidelines is one of the main challenges. However, in the last year, thanks to a strong cooperation with national and local business associations, there was an increase in knowledge and use especially among SMEs.

As for the cooperation with ABI and Confindustria, it should result into the identification of a standard procedure for companies to set up non – financial reporting (social budget) in order to grant credit to responsible SME. In this perspective, a strong cooperation with the Investment Committee was carried out with a focus on due diligence, supply chain, human rights and procedural issues, with the aim of widening the scope of the GL to anticorruption, taxation, consumer interest, environment and climate change, transparency and all the issues concerning the “declaration on international investments”.

Please note that the agreement with ABI is expected to made Guidelines available not only to the banks giving credit, but also to all the enterprises asking for it. Last but not least, the protocol that will be signed in the near future with Unioncamere (*National Association of the Chambers of Commercio*) that allows to reach and inform a great number of SMEs dealing with the Italian chambers of commerce.

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

The Italian productive system (i.e. industry, construction and services) is composed of a total of around 4.4 million enterprise¹¹ of which only around 3 thousands have more than 250 employees. As for this last category of enterprises the NCP, since the beginning of its activity, sent a targeted mailing (addressed also to foreign multinationals operating in Italy) explaining the Guidelines and their contents. Therefore all big enterprises have been made aware of the Guidelines, an action which is also continued by Italian Economic Offices of Embassies abroad. Besides, through the participation of the national association for industry (Confindustria) to the NCP Committee, update on the Guidelines and NCP activities are made available to big enterprises.

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

The NCP promoted the Project “*Stakeholders’ Information and Awareness about OECD Guidelines on Corporate Social Responsibility (CSR)*”. The project has been aimed at improving the knowledge of “OECD Guidelines on Corporate Social Responsibility ” among Employers’ and Workers Associations, Professional Orders, Universities, NGOs, Consumers’ Associations and Civil Society Organisations. A total of 20 awareness and information events were carried out and a parallel activity of *field survey* was fulfilled in order to collect information about the level of knowledge of OECD Guidelines on CSR.

The field research has been carried out through a questionnaire answered by a total of 149 stakeholders.

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

The meaningful results of the field survey are:

- ✓ the level of knowledge of respondents is medium-low ;
 - ✓ the specific topics for which the sensitiveness level is higher are: environment, employment, industrial relations, consumers' protection;
 - ✓ the main reasons to adopt a CSR approach are: a stronger company reputation (67,8%); improvement of relationships (65,8%); improvement of safety of workers and of the atmosphere within (61,1%).
- *What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.*

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

To this purpose, the 2011 – 2012 Work Plan foresees the Guidelines promotion within specific industrial sectors especially in industrial districts; a special attention will be devoted to the targeting of companies in the boat industry and jewel production segment.

A more collegiate approach will involve national and regional authorities, and the stakeholders in different initiatives i.e. workshops and seminars, training and information, on site support and company networking on specific projects.

In order to foster the culture of “social responsibility” among future employees and entrepreneurs, the Guidelines will be promoted in school and universities through conferences and seminars and with the direct participation of companies.

The cycle of implementation of OECD guidelines will involve the Italian Embassies abroad, ICE and INVITALIA, through a wide spectrum of promotion activities such as workshops, seminars, participation to business mission and through specific training on the adoption of the Guidelines.

The Italian NCP is also concentrating on improving and making its institutional activity more effective with the aim of increasing accessibility to the PCN services. A general restyling of the website is under way to improve and facilitate the access to its contents and publishing activity.

During the 2011-2012 implementation cycle of the OECD Guidelines, the activity will include a cooperation with INAIL (the Italian Workers Compensation Authority). One the envisaged measure is the adoption of the so called “sconto a prevenzione” i.e. a reduction on INAIL duties for those companies operating according to CSR principles.

The Italian NCP has launched a new procedure for submitting the instances according to visibility, accessibility and transparency principles while maintaining confidentiality.

Finally, the Italian NCP will be active part in the OECD work and in any other relevant initiative related to the matter of CSR. To this purpose, the NCP signed an agreement with INVITALIA with the following objectives:

- *to provide the presence of an expert at OECD to contribute to the revision of the Guidelines.* The expert, who has been recently appointed and seconded at the OECD, is in charge of developing a project on small and medium enterprises. The work will take into account the specific characteristics of SMEs compared to multinational enterprises -

the latter being originally the only ones concerned by the Guidelines - and the numerous international initiatives concerning corporate social responsibility. The paper will outline, in cooperation with the OECD Secretariat, the best methodology to spread and implement the Guidelines among SMEs, considered as single business unit as well as element of global supply chains.

- *to support the organization of a national event on CSR;*
- *to renew the CSR impact within the of EU 2020 program and strategy.*

JAPAN/JAPON

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

[A] There is no change in Annex 1. There is one change in Annex 2.

- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

[A] There is no additional information.

Three Ministries composing the Japanese NCP are having close contact and exchanging information and opinions related to promotion of the Guidelines as well as specific instances raised to the NCP.

Japanese NCP’s advisory panel, Japan NCP Committee was established in 2008. Besides the Japanese NCP, the Committee consists of Japan Business Federation (Nippon Keidanren), the largest Japanese business community which is a member of BIAC, and, Japanese Trade Union Confederation (Rengo), the largest Japanese labour union which is a member of TUAC.

- How does the NCP relate to other government agencies?

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

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

[A] As mentioned above, an advisory panel composed of the Nippon Keidanren and the Rengo was established, in order to exchange opinions concerning the activity of the NCP. The NCP makes the maximum use of the meetings. As a general rule, the meeting with the panel is held at quarterly intervals. At the meetings, issues relating to the activity of the NCP including the promotion of the Guidelines are mainly discussed.

Furthermore, during the update process of the Guidelines, the Japanese NCP maintained close contact with the Nippon Keidanren and the Rengo in order to share the latest information, exchange views and take into account their opinions.

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

[A] The Japanese NCP puts importance on involving interested parties, including non-governmental organizations (NGOs) to further promote the Guidelines. The NCP became a guest speaker at symposium, seminars and study groups organized by the following NGOs or enterprises and explained about the update of the Guidelines.

- The Global Compact Japan Network, the local office of the UN Global Compact
 - The Sustainability Forum Japan, the NGO engaging in the promotion of GRI (Global Reporting Initiatives)
 - The ILO Association of Japan, the private entity of promoting ILO.
- How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?

[A] As mentioned above, the Japanese NCP keeps close contact with the Rengo as well as the ILO Association of Japan, the Global Compact Japan Network, and the Sustainability Forum Japan in order to explain the activity of NCP and the Guidelines, and discuss about the promotion of CSR in Japan.

B. Information and Promotion

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

[A] The Japanese translation of the 2000 Guidelines, the revised Council Decision and the Procedural Guidance, together with a general explanatory summaries on the Guidelines and specific instance procedures, are available on the websites of the Ministry of Foreign Affairs (MOFA); the Ministry of Health, Labour and Welfare (MHLW); and the Ministry of Economy, Trade and Industry (METI) of Japan. The Japanese brochure of the Guidelines is also available.

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

[A] Please see the above mentioned related answers for A. Institutional Arrangements.

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

[A] The Japanese NCP has established the linkage of the Guidelines to the Japanese External Trade Organization (JETRO), which is promoting trade and investment, and research of developing countries, the ASEAN-Japan Centre, which is promoting trade, investment and tourism between ASEAN countries and Japan, and the Nippon Export and Investment Insurance (NEXI), which is providing trade and investment insurance service to companies.

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

[A] Please see the above mentioned related answers for A. Institutional Arrangements.

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

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

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

[A] There is no change in Annex 3.

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

[A] Yes. There were several enquiries from the public.

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 2010-2011 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

[A] No specific instances were newly raised and/or concluded during the June 2010-2011 cycle.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

[A] There are minor changes in Annex 4.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

[A]

-Visibility: The Japanese NCP joined meetings, seminars, study groups and symposium organized by business, labour union and NGOs as a guest speaker more than 10 times to explain the update of the Guidelines.

-Accessibility: The Japanese NCP responded to five enquires from the public.

- Transparency: Although the Japanese NCP has four specific instance cases, because they are not concluded, confidentiality is still required.

-Accountability: The Japanese NCP submit its annual report to the Investment Committee and participate in the annual NCP meeting and the Corporate Responsibility Roundtable.

- Impartiality: The Japanese NCP, composed of three Ministries, is impartial.

- Predictability: The Japanese NCP has its procedural information in Japanese available on the MOFA web site.

- Equitability: Regarding specific instance cases, the Japanese NCP provides reasonable access to sources of information if a party concerned agrees.

- Compatibility with the Guidelines: The Japanese NCP will work on this criteria after the Guidelines are finalized.

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

[A] Not necessarily.

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

[A] The Japanese NCP does not have surveys or statistics documenting companies' awareness of the Guidelines.

- What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

[A] Since except for Brazil and Argentina, other G20 non-OECD Member Countries did not participate in the Guidelines update, dissemination and outreach in these emerging countries are crucially important in cooperation with other entities such as GRI.

KOREA/CORÉE

Korea hereby reports the 2010-2011 activities of its National Contact Point (NCP) to the OECD Investment Committee in accordance with the OECD Guidelines for Multinational Enterprises: Decision of the Council (June 2000).

A. Institutional arrangements

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

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

Ministry of Knowledge Economy
Foreign Investment Policy Division
1 Jungang-dong, Gwacheon-si, Gyeonggi-do
Tel: 82-2-2110-5356
Fax: 82-2-504-4816
E-mail: fdikorea@mke.go.kr
Web: www.mke.go.kr

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

B. Information and promotion

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

In December 2010, the Korean NCP brought out a shortened version of the Guidelines in Korean for user convenience. This booklet has been distributed to about 3000 MNEs, operating in Korea or abroad, through the Korea Trade-Investment Promotion Agency's (KOTRA) domestic and overseas networks. The contents of this booklet are available on the websites of the Ministry of Knowledge Economy and KOTRA. Once the Guidelines are completely updated, the Korean NCP plans to publish another version reflecting the 2011 revisions.

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

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

C. Implementation in specific instances

The Korean NCP handles specific instances according to the Regulations on the Operation of the Republic of Korea's National Contact Point to Implement the OECD Guidelines for MNEs (May 10, 2001), pertaining to function, organization, interpretation, and arbitration procedures.

During the target period, one issue was raised. In March 2010, the labor union of the company involved and the umbrella labor union with which it is affiliated filed a complaint against a foreign auto parts manufacturer based in Korea. The company was alleged to have violated Chapter Four (Employment and Industrial Relations).

After an initial assessment, in August 2010, the Korean NCP determined it was difficult to see this issue as a violation of the Guidelines, and that no additional investigation or arbitration would therefore be necessary.

When reviewing the instance, the NCP seeks expert opinions from the relevant ministries represented in the Foreign Investment Subcommittee.

D. Other

1. The Korean NCP often finds it difficult to investigate specific instances reported to have occurred in non-adhering countries. Lack of information is the most common problem in these cases. The difficulty is exacerbated when the parallel legal proceeding is underway in host countries.

2. In order to promote the updated guidelines in a swift and effective manner, the OECD secretariat is expected to provide a shortened and user-friendly version of the guidelines at the earliest date possible. The PPT version for presentations will help NCPs provide information and promote the guidelines in their respective nations, as well.

LATVIA/LETTONIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

Slight update on contact details.

- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

Latvian NCP is the 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 Policy of the Ministry of Foreign Affairs.

- How does the NCP relate to other government agencies?

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

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

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

- How does the NCP relate to other non-governmental organisations (NGOs) and other interested parties involved in the functioning of the NCP?
- How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?

B. Information and Promotion

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

The summary of the Guidelines as well as the text of the Guidelines are available in Latvian and English on the website of the Ministry of Foreign Affairs.

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

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

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

No specific promotional activities have been held in the reporting period.

- Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?
- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?
- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.
- Have enquiries been received from (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

None.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2010-2011 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

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

LITHUANIA/LITUANIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

No updates in Annex 1.

There are some updates in Annex 2. Ministry of Economy appointed new NCP – Andrius Stumbrevičius.

Details you can find in the box given below.

Investment Policy Division
Investment and Export Department
Ministry of Economy of the Republic of Lithuania
Gedimino ave. 38/2
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Tel: 370 5 262 9710
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E-mail: <mailto:andrius.stumbrevicius@ukmin.lt>
Web: <http://www.ukmin.lt>

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

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

B. Information and Promotion

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

The web page for the NCP is available in the web site of the Ministry of Economy http://www.ukmin.lt/lt/veikla/veiklos_sritys/investicijos/ebpo/.

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

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

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

The Description of the Guidelines to Ensure Operation Transparency of the SOEs was approved by the Government of the Republic of Lithuania Resolution No. 1520 of 04 July 2010. While approving the sets of annual financial reports of the SOEs the Ministry of Economy has delegated the SOE management bodies to ensure the implementation of the Guidelines provisions aiming to increase operation transparency of the SOEs.

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

No conferences or seminars during the period from July 2010 to June 2011.

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

Not yet.

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

No updates during the period from July 2010 to June 2011.

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

There are no enquiries during the period from July 2010 to June 2011.

C. Implementation in specific instances

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

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Visibility. *The Guidelines are readily available on the website.*

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

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

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

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

No.

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

Yes.

- What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

To update NCP's web site and promote The Guidelines more actively are the main Lithuanian NCP's plans for the period 2011–2012.

MEXICO/MEXIQUE

A. Institutional Arrangements

The National Contact Point (NCP) of Mexico is a government body within the Ministry of Economy located in the office of the Directorate General of Foreign Investment (DGFI). The DGFI is the authority representing the Ministry of Economy before the OECD Investment Committee, and since April 2009 is also managing all issues related to the NCP's operation and Guidelines promotion and implementation.

Throughout the last year, the DGFI continued implementing a communication strategy in order to enhance the implementation, promotion, and performance of the Guidelines, as well as the use of the NCP in relevant situations. The Mexican NCP has worked closely with other government agencies such the Ministry of Foreign Affairs and the Ministry of Labor and Social Welfare in order to create an increased dialog between the Mexican authorities regarding the promotion and implementation of the Guidelines.

The Mexican NCP has also met with other interested parties such as NGO's and business schools in order to promote the guidelines, exchange points of view and experiences on how the NCP can improve its functioning by including interested parties in the activities taken by the NCP.

The contact details of the NCP are the following:

Ministry of Economy
Insurgentes Sur, 1940 8th Floor
Col. Florida, ZC. 01030
México City, México
T. (52-55) 52296100
F. (52-55) 52296507
Email: enrique.prieto@economia.gob.mx
guillermo.medellin@economia.gob.mx

Website: <http://dgie.economia.gob.mx/dgaai/dgaaiing.htm>

B. Information and Promotion

The NCP has published the OECD Guidelines through the web page which can be accessed through the Ministry's NCP home page <http://dgie.economia.gob.mx/dgaai/dgaaiing.htm>

The web page includes information of the NCP contact details, the annual reports of the Investment Committee, also the Guidelines in Spanish, along with an introductory page and links to the OECD home page, to the Declaration on International Investment and Multinational Enterprises, as well as to the June 2000 OECD Council Decision.

The Mexican NCP has also worked in cooperation with PROMEXICO (Mexico's investment promotion agency) in order to make the guidelines available to any new businesses that plan on investing in Mexico.

In an effort to increase our communication and promotion actions, the NCP, has had meetings with the Economy Secretariats of the Federative Entities in order to promote and explain the scope and coverage of the Guidelines within the National Territory.

Therefore, NCP has worked along with public and private education institutions in order to attend such consultations, conferences and other studies.

The NCP office will continue working on improving the information available in its website, allowing the site to become a more useful tool for promoting the new version of the Guidelines and therefore become a point of reference.

This website along with the communication strategy we have improved will also serve as a more efficient way to achieve a public-private dialog to exchange relevant information of Multinational's behavior related to the Guidelines.

Finally, as the human resources of the NCP has had some changes, we are up to now elaborating on a working plan for the period July 2011- June 2012 which includes roadshows, meetings with other officials at state and municipal levels, conferences at universities, and we also are engaged in a new communication strategy by working along with embassies and foreign representations based in México.

C. Implementation in Specific Instances

During this year, Mexican NCP did not receive any complain to initiate the analysis of a specific instance.

OTHER RELEVANT ACTIVITIES

The Mexican NCP has taken advantages of a cooperation agreement between the Ministry of Economy and the European Union called PROTLCEUM¹² and within its framework it has elaborated a paper on Corporate Social Responsibility (CSR) in European companies operating in Mexico, also available on the Ministry's web page.

LOOKING AT THE PAST 10 YEARS

Since the creation of the Mexican NCP it has evolved in an impressive way regarding the activities it has been developing by then. Mexican NCP has sought the implementation of stronger communication between more enterprises and the public sector regarding CSR.

During this year, we are looking for the implementation of a comprehensive working plan in close collaboration with enterprises, chambers, and business schools for a better promotion and adoption of the Guidelines. All this, because, in Mexico there is a growing number of enterprises interested in demonstrating the corporate social responsibility of their activities, in order to acquire higher recognition by the society.

¹² Facilitation Project on the Free Trade Agreement between The European Union and Mexico

NETHERLANDS/PAYS BAS

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Introduction

During the 2008 Annual NCP meeting in Paris, it was decided that the Dutch NCP would be the object of a (voluntary) peer review, that took place in the second half of 2009 until March 2010.

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

A team of five fellow NCPs from Canada, Chile, France, Japan and the United Kingdom reviewed the Dutch NCP through a series of meetings with stakeholders, a questionnaire survey, review of documents, and discussions. The final report, issued and presented in the OECD Investment Committee Working Group in March 2010, contains 28 recommendations related to the structure of the NCP; the NCP's promotional activities; and the NCP's dealing with specific instances.

The chairman of the Netherlands NCP sent a formal reaction¹³ to the peer review to the chairman of the OECD Investment Committee for the 2010 annual NCP meeting. The letter is an addendum to this report.

The peer review provided the Dutch NCP input for the preparation of its self-evaluation report for the Dutch Parliament, June 2010. In reaction to the peer review, the self-evaluation of the NCP and a separate evaluation of the promotional activities of the NCP, the Dutch government concluded that the 2007 reform of the NCP meets up to the expectations and decided in April 2011 to appoint the current NCP members for another period of (maximum) 4 years¹⁴.

Several lessons were learnt from the review process regarding the promotional activities and the NCP specific instance procedure. This annual report reflects the efforts made up to date to follow up on the recommendations of the review team.

¹³ See: http://www.oecdguidelines.nl/wp-content/uploads/ncp_reactie_op_peer_review.pdf

¹⁴ See for the first government decree: http://www.oecdguidelines.nl/wp-content/uploads/government_decree_establishing_dutch_ncp_2007.pdf

A. Institutional Arrangements

Organisation

The Netherlands National Contact Point for the OECD Guidelines has been active in its current form since June 2007, with an independent board, supported by a secretariat and advised by representatives at management level from the four ministries primarily involved in the subject matter -responsible business conduct-, namely the ministries of Economic Affairs, Agriculture and Innovation, Foreign Affairs, Social Affairs and Employment, and Infrastructure and Environment (see box).

The Dutch ministry of Economic Affairs, Agriculture and Innovation (EL&I) is responsible for the NCP and hosts its secretariat.

The independent members of the NCP all have backgrounds in the various stakeholder groups of the NCP's work. They are independent in the sense that they have a seat in the NCP in their personal capacity and are by no means bound by the policies and goals of the Dutch Government or by other organizations.

Independent members	Advisory members	NCP Secretariat
F.W.R. Evers LLM (chairman)	Mr R.E. van Hell (Economic Affairs, Agriculture and Innovation)	Mr J. van Wijngaarden
prof.dr. J.F.G. Bunders	Mr W.H. Bel (Social Affairs and Employment)	Ms M. van Driel
H. Mulder LLM	Mr H. von Meijenfeldt (Infrastructure and Environment)	Mr M. van Yperen (CSR Netherlands)
L. de Waal	Mr H.J. Bakker (Foreign Affairs)	

Follow up peer review

At the 2010 May stakeholder meeting of the NCP, stakeholders agreed that it is not necessary that members are representatives of stakeholder groups. Independence, impartiality and communication skills are more important. The current NCP is considered knowledgeable and credible by its stakeholders including business community, labour organizations and NGO's.

When appointing new NCP members, the knowledge of and experience with dealing with OECD Guidelines related issues will be the main criterion. Additionally, solid mediatory experience is important, but should not depend on certification alone. For handling of specific cases it is in the view of the Dutch NCP important that an independent NCP member is able to assess a situation him/herself in order to establish the circumstances of a case as well as bringing parties closer to each other. Introducing an external mediator might in certain cases be useful.

Regarding the question of possibility of appeal, the Dutch NCP feels that this would place an unnecessary judicial burden on a procedure which should be very accessible and thus should have the lowest threshold possible. If stakeholders would feel the NCP is not functioning properly, this can be brought to the attention of the minister for Agriculture and Foreign Trade (ministry of Economic Affairs, Agriculture and Innovation). This procedure gives the minister the possibility to comment on the handling of a specific instance by the NCP, without the possibility to change the statement of the NCP though.

Other developments

Involvement of stakeholders is secured through semi-annual stakeholder meetings which were held November 15, 2010 and (planned) June 9, 2011. Main agenda item of the June stakeholder meeting is the outcome of the update of the Guidelines, the implication of this for stakeholders and their reaction on it. December 8, 2010, the Ministry of Economic Affairs, Agriculture and Innovation, in cooperation with the NCP, organised a specific (key) stakeholder consultation on the Dutch input for the update of the OECD Guidelines.

The NCP stakeholder meetings are attended by a wide variety of stakeholders, including representatives from individual companies, business and sector organisations, trade unions, OECD Watch and other NGOs, government agencies, presidents of central worker councils and consultants. A new stakeholder group welcomed in 2011 is (representatives from) accountancy firms.

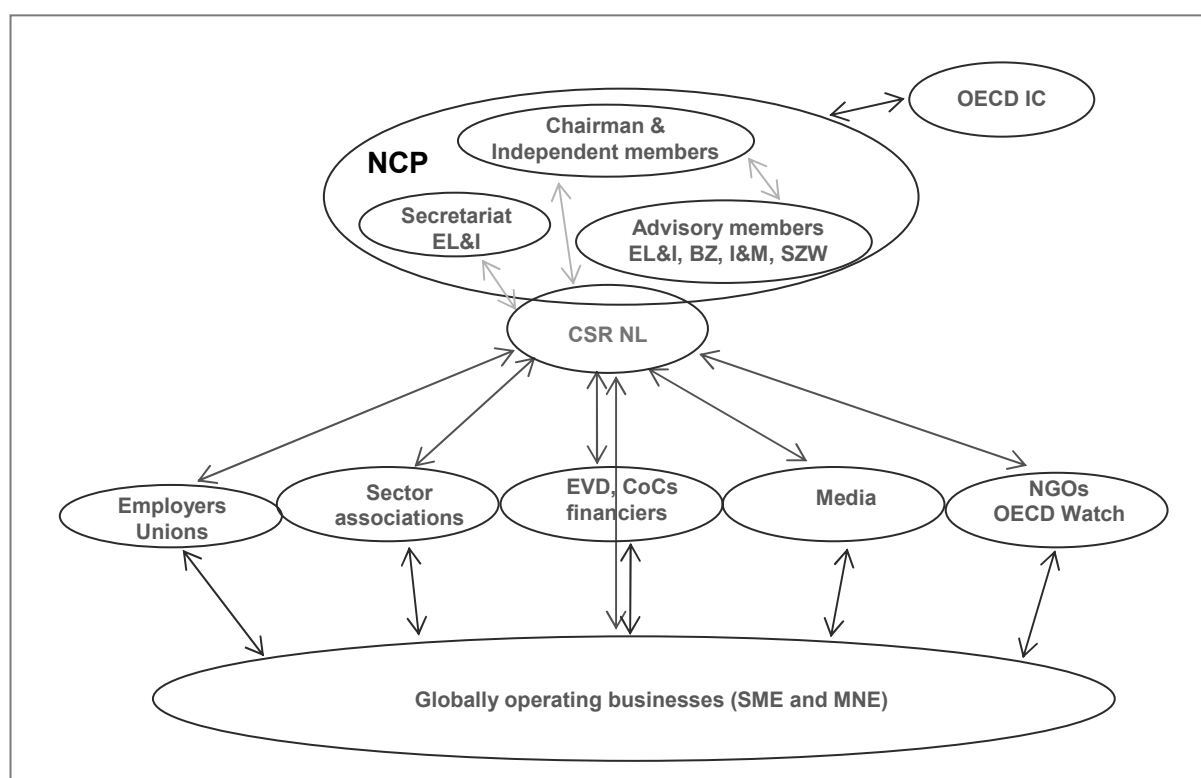
Goal of the stakeholder meetings is to provide stakeholders with an update and to give them the opportunity to comment on the ongoing specific instances and communication activities. For the 2010 fall meeting, stakeholders were given the opportunity to provide input for the agenda of the meeting.

Since 2010, the chairman of the Dutch NCP is an advisory member of the International CSR (ISCR) committee of the Dutch Social Economic Council (SER). As an advisory and consultative body of employers representatives, union representatives and independent experts, the SER is a typical platform organisation for social dialogue. In 2008, the SER published a Statement on International Corporate Social Responsibility which calls on trade and industry to actively pursue responsible supply chain practices. The Council's Statement provides the basic principles for doing so e.g. based on the OECD Guidelines. The special committee reports annually on the progress made in introducing responsible supply chain practices.

B. Information and Promotion

Organisation

Promotion is one of the two main tasks of an NCP and the responsibility of all persons involved in the Dutch NCP. Within the NCP organisation, a communication manager has been appointed to coordinate the promotional activities of the NCP. The communication manager is placed at the independent national CSR knowledge centre *MVO Nederland* (CSR Netherlands) in order to make use of its outreach programmes towards companies, sector associations, business society and other stakeholders.



Schematic overview of communication strategy

In cooperation with the NCP members, the communication manager prepares a communication strategy and translates this in an annual communication plan. The communication strategy focuses on promotion of the Guidelines to Dutch companies via intermediary business organisations such as sector associations and the Dutch Agency for International Business and Cooperation (EVD).

Follow up peer review

The Dutch NCP welcomes the recommendations regarding active engagement with stakeholders and has sought to further enhance this. One of the steps taken is to involve separate stakeholder groups in the preparation of the stakeholder meetings and to give them an active role, for example by bringing in discussion items, by giving a presentation or by moderating a workshop. For the June meeting, the NCP approached two types of stakeholder groups: (1) NGO's and (2) small & medium sized companies (SMEs). Both parties reported that they are interested in attending the stakeholder meetings but at this point did not see an active role for themselves in preparing the meeting. The NGO's organized in OECD Watch coordinate and bring their points of interest and concerns in the meetings and SMEs very disappointedly indicated that they do not have the time or capacity to play an active role.

The NCP welcomes the four large accountancy firms (PwC, E&Y, Deloitte, KPMG) as a new and important stakeholder group. It is clear that there is a growing demand for expert verification of CSR yearly reports. Another new stakeholder group to involve is company staff councils.

The peer review team's suggestions for teaming up with other NCPs to share experiences and communication tools are interesting and well worth exploring. The first steps have been taken by exchanging institutional arrangements, mediation experiences, communication plans and tools of the Dutch NCP with the Norwegian NCP and with the Danish CSR centre regarding the revision of the Danish NCP.

Another joint effort is to support mediation strategies and procedures with the UK NCP and the Norwegian NCP. The Dutch NCP furthermore discussed with the Luxembourg NCP how to deal with a specific instance in a problem solving way and the necessity of credible and transparent institutional requirements. The Dutch NCP will be active in promoting further cooperation with other NCPs to share experiences and to explore ways of working together, including by providing assistance to 'lead' NCPs with the handling of specific instances.

With regard to multilingual information, last year the Dutch NCP developed the CSR policy tool as a new implementation tool. This tool is translated in English and helps companies to gain insight into their current CSR activities, assess their value and determine what other CSR activities they would like to implement. The CSR policy tool is easy to apply and gives companies insight in the return on investments of CSR initiatives. The Dutch government attaches great importance to CSR and expects companies receiving an export grant and other forms of government assistance to conduct their business activities in conformity with the OECD Guidelines and to draw up a CSR policy plan.

Other tools in English include a basic OECD Guidelines Self-assessment and a communication selection tool that allows companies to incorporate ready made copytexts in their policy plans.

The CSR Navigator, which helps companies to navigate the sea of CSR codes, was updated last year into a 2.0 version and was re-launched in May 2011. This tool can be translated in most languages using a webpage translator.

Cooperation with Dutch embassies is strengthened and resulted in joint outreach efforts in China, Colombia, Panama, Vietnam, India, Turkey, Egypt, Gulf region and Eastern Europe. The NCP has assisted the embassies to inform local companies and organizations regarding the OECD Guidelines and the NCP. Embassies have organized special CSR meetings for Dutch companies and their local partner companies in these countries.

To inform the embassy staff on the OECD Guidelines and the NCP, the Dutch NCP, CSR Netherlands and the Dutch government developed a CSR passport, a booklet with basic information on international CSR. The passport helps the embassy staff and the international business community understand what CSR entails. This passport is available in English, French and Spanish. The next step is a shared internet portal on CSR for Dutch embassies.

Other developments

The NCP (and CSR Netherlands) delivered several presentations and workshops on international CSR, the OECD Guidelines and the NCP. The box below gives a selection of the contributions of the Dutch NCP in 2010/2011.

<i>Event and date</i>	<i>NCP contribution</i>	<i>Type and number of participants</i>
<i>GRI conference, May 2010</i>	<i>Lunch session by Mr. Mulder on OECD Guidelines in relation to GRI</i>	<i>International participants from governmental organizations, business, labor, NGO's etc</i>
<i>US NCP meeting Washington DC, May 2010</i>	<i>Speech by Mr. Mulder on experiences from the Dutch NCP</i>	<i>200 officials and business representatives</i>
<i>CSR event Benelux chamber of commerce China, September</i>	<i>Speech and workshop on international CSR e.g. OECD</i>	<i>40 Dutch/Belgian/Chinese companies in China, Chinese</i>

<i>2010</i>	<i>Guidelines and NCP</i>	<i>government</i>
<i>Training chamber of commerce, September 2010 and February 2011</i>	<i>Training on international CSR e.g. OECD Guidelines and NCP</i>	<i>2 x 20 CoC business advisors</i>
<i>CSR Future leaders event, October 2010</i>	<i>Speech by Mr. Mulder on e.g. OECD Guidelines and NCP</i>	<i>20 CSR managers from largers companies</i>
<i>International meeting Export Credit Agencies (e.g. Atradius), October 2010</i>	<i>Speech and workshop by Mr. Evers on NCP in relation to OECD common approaches export credits</i>	<i>50 international ECA professionals</i>
<i>ESG Europe, investor corporate summit, October 2010</i>	<i>Speech by Mr. Mulder on ESG requirements, CSR reporting and OECD Guidelines</i>	<i>300 investors and CSR professionals</i>
<i>China – Dutch CSR event, December 2010</i>	<i>Speech and on international CSR e.g. OECD Guidelines and NCP</i>	<i>22 Dutch companies (SMEs)</i>
<i>International Supply Chain Management Congres NEVI, IDH, Rabobank, December 2010</i>	<i>Workshop by Mr. Evers on OECD Guidelines and NCP</i>	<i>25 Purchasers from larger companies</i>
<i>New Year event CSR Netherlands/Sustainable Trade Initiative, January 2011</i>	<i>Key-note speech by Ms. Bergkamp on e.g. OECD Guidelines</i>	<i>500 Entrepreneurs (mainly SMEs) and CSR experts</i>
<i>Meeting Dutch NGO's on CSR (CSR Platform), January 2011</i>	<i>Workshop by OECD Watch on when and how to use the NCP grievance system</i>	<i>20 NGO's</i>
<i>Seminar on International CSR, responsible chain management and human rights, February 2011</i>	<i>Presentation by Mr. Evers on OECD Guidelines and NCP</i>	<i>10 Sector associations, VNO-NCW</i>
<i>Meeting presidents of central workers councils of multinational enterprises (MNO), February 2011</i>	<i>Participation by Mr. Mulder on their new released CSR code of conduct</i>	<i>35 Presidents of MNE central workers councils</i>
<i>International trade fair Dutch chambers of commerce, April 2011</i>	<i>Workshop on international CSR e.g. OECD Guidelines and NCP</i>	<i>25 Entrepreneurs in textiles and fashion (SMEs)</i>

The past year, CSR Netherlands and the NCP maintained its outreach focus on SMEs via sector associations by organizing workshops and meetings with sector associations and (some of their) member companies. Focus was on Metals, Agri-business, Cement & Concrete (construction sector), Promotional products and Toys.

The importance of the OECD Guidelines and the role of the NCP have been stressed many times by the government in several debates in Parliament on CSR and related subjects. The Guidelines are structurally integrated in government related policies like: (1) the Social and Economic Council declaration on international CSR, (2) the Dutch Trade Board, (3) the financial export instruments and trade missions of the Dutch government and (4) Partner manifest of CSR Netherlands (to date 1500 paying members and as many signed manifests, including the commitment to the OECD Guidelines).

Together with the Dutch Agency for International Business and Cooperation (EVD) the Dutch NCP developed a new Brochure on International CSR including the OECD Guidelines and the operation of the NCP.

C. Implementation of Specific Instances

Organisation

As a follow up to the June 2010 mediation workshop for NCP representatives by prof. Lawrence Susskind in Paris, the Dutch NCP supported a commission to the Consensus Building Institute (CBI) to develop a mediation manual to provide clarity on whether, when and how NCPs can use mediation to resolve complaints in specific instances.

Since specific instances often concern long-running conflicts, the Dutch NCP is also experimenting with a new preemptive, more informal approach in which the NCP provides assistance to and seeks to bring parties together at an early stage, not preceded by a formal notification. This includes that also companies can go to the NCP in case of a (possible) conflict with an NGO. The NCP in this case employs its role as an independent mediator that supports parties regarding their issues and dilemmas, aimed at preventing and solving problems. This creates more room for parties with a broad perspective to talk about common interests. In 2010-2011, this approach has gained the first satisfactory results.

Follow up peer review

The new (informal) preemptive approach provides more room for engaging stakeholders and assessing interests of all involved parties. The Dutch NCP aspires a low threshold for its problem solving services. Extensive assessment of the representativeness of a complainant and/or the importance of his interest should not jeopardize this. Furthermore, the present and future implementation of the OECD Guidelines by a company should be the focus of the handling of a specific instance.

Cooperation with embassies can be useful considering their knowledge of local circumstances, as the Dutch NCP has found in a few cases. Regarding protective measures for notifiers, the NCP feels this is an important issue which merits further reflection within the OECD.

In general, the Dutch NCP is strengthening its relation with Dutch embassies on creating awareness of the Guidelines and the possibility for NGOs in non-OECD countries to bring specific instances to the NCP (see also section B).

The NCP has published the way it deals with parallel procedures in the handling of specific instances on its website with thanks to the UK colleagues who showed the way.

In the procedures of the Dutch NCP, first an initial assessment is made regarding admissibility. The notification determines the scope of this initial assessment. After admissibility, the NCP, after meetings with the parties, sets out the facts and circumstances of a case through a conflict- or situation assessment. The assessment could alter the scope of the case, both in terms of involvement of stakeholders and the issues to be investigated.

The assessment by which the facts and circumstances are established is then offered to parties by the NCP as a base for mediation. The parties may agree or disagree with the found facts or circumstances. Mediation will be based on the facts and circumstances the parties agree to share among each other.

Information shared with the NCP members for the benefit of the mediation are preferably shared between parties, but a party may request the NCP to keep information confidential.

If mediation is unsuccessful or parties do not see a possibility for successful services by the NCP, the NCP returns to its situation assessment of found facts and circumstances to determine whether or not the company complied with the OECD Guidelines. The NCP may also include publicly available information. Confidential information shared for the benefit of mediation is not included, unless a party agrees to this.

The division between the different stages and the use and confidentiality of the information in each phase must be made clear to all parties involved. In this light the NCP will give more timely information on the timelines during procedures as these may change due to unforeseen consultation with other stakeholders.

The NCP sees great added value in conducting follow up a year -or as agreed between parties- after the closure of the handling of a specific instance and has adopted this as part of its standard practice.

Other developments

January 2011, the Dutch NCP received two new notifications of specific instances in which the Guidelines were allegedly violated (see boxes).

<i>Case</i>	<i>Shell Nigeria</i>
<i>Date of notification</i>	<i>January 2011</i>
<i>Complainant</i>	<i>Amnesty International, Friends of the Earth (FoE) International, and FoE Netherlands allege that Shell made false, misleading and incomplete statements about incidents of sabotage to its operations in the Niger Delta and the sources of pollution in the region</i>
<i>Enterprise concerned (sector)</i>	<i>Royal Dutch Shell (oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Netherlands (leading) and NCP UK</i>
<i>Status</i>	<i>Accepted by the Netherlands NCP, pre-assessment meetings ongoing</i>
<i>Chapters cited</i>	<i>Chapter III (Disclosure), paragraph 1, 2, 4e Chapter V (Environment), paragraph 2, 3 Chapter VII (Consumer interests), paragraph 4</i>
<i>Agreement</i>	<i>Not yet</i>
<i>Final statement</i>	<i>Not yet</i>

<i>Case</i>	<i>Arcelor Mittal Liberia</i>
<i>Date of notification</i>	<i>January 2011</i>
<i>Complainant</i>	<i>Friends of the Earth (FoE) Europe and Liberia-based Sustainable Development Institute (SDI)/FoE Liberia allege that ArcelorMittal has</i>

	<i>breached the OECD Guidelines with regard to its management of its County Social Development Fund</i>
<i>Enterprise concerned (sector)</i>	<i>Arcelor Mittal Liberia (mining, metal)</i>
<i>Involved NCP</i>	<i>NCP Netherlands and NCP Luxembourg (leading)</i>
<i>Status</i>	<i>Discussion with notifiers and Luxembourg about which NCP should be leading</i>
<i>Chapters cited</i>	<i>Chapter II (General policies), paragraph 1, 7, 11 Chapter VI (Combating bribery), paragraph 5</i>
<i>Final statement</i>	<i>Not yet</i>

To date, one case is still pending at the Dutch NCP (see box).

<i>Case</i>	<i>Shell Argentina</i>
<i>Date of notification</i>	<i>June 2008</i>
<i>Complainant</i>	<i>Foro para la Participación Ciudadana (FOCO), Friends of the Earth (FoE) Argentina alleges that Shell is violating domestic law and ignoring the Argentinean government's sustainable development campaigns and policies</i>
<i>Enterprise concerned (sector)</i>	<i>Shell CAPSA, a subsidiary of Royal Dutch Shell (oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Netherlands and NCP Argentina (leading)</i>
<i>Status</i>	<i>Pending, waiting on court decision (parallel procedure) with agreement of parties concerned</i>
<i>Chapters cited</i>	<i>Chapter II (General Policies), paragraph 1, 2, 5 Chapter III (Disclosure), paragraph 1, 2, 4e, 5b Chapter V (Environment), paragraph 0-8</i>
<i>Final statement</i>	<i>Not yet</i>

FOCO and Friends of the Earth Argentina allege Shell Capsa for the irresponsible actions at the company's oil refinery in the Dock Sud industrial area which have put the health and safety of neighbouring residents in danger. The affected community, called Villa Inflamable, is home to about 1.300 families who live in extreme poverty and lack access to basic sanitation, clean water and other essential utilities. The complaint notes that the refinery was closed for seven days in August 2007 after Argentina's national environmental authority found multiple violations to national environmental law.

The case was filed simultaneously with the Argentinean and the Dutch NCPs because the complainants believed the violations were a systemic problem in the global operations of Shell. Despite the existence of parallel legal proceedings, in September 2008 the Argentine and Dutch NCPs accepted the case (with the former taking the lead). The Argentine NCP prepared a list of "considerations" from the complaint and asked the parties to respond; both complied. In addition, in April 2009, three members of the NCP visited Villa Inflamable to interview residents and see the conditions. However, Shell Capsa has refused to participate in the process and did not accept the Argentinean National Contact Point's offer for good offices, arguing that doing so could affect its position in the Argentinean Federal Courts, due to the existence of parallel proceedings of judicial nature on the same matters. The enterprise requested the Argentinean NCP to put on hold the proceedings until the resolution of the ongoing judicial causes. Considering the situation, the Dutch National Contact Point suggested that the parties could try to hold a dialogue on the issues that were not covered by the judicial causes, tackling some issues of 'supra legal' nature. Regarding this initiative, shared by the Argentinean NCP, the parties did not reach an agreement on the scope and content of a possible dialogue. The complainants insisted on giving priority to the discussion of the matters included in the complaint as well as any other topic that could possibly arise over the course

of this dialogue, even though they were not included in its formal presentation. The enterprise, in turn, expressed again the reason of the existence of parallel proceedings not to accept informal conversations, informing that the company had already been carrying out social development activities in the neighborhood close to the refinery, to help its residents. The NCPs therefore decided that waiting for the decision of the court is now the best option.

In 2010, one case -in which the NCP was cooperating with the Irish NCP but did not have the lead- was closed (see box).

<i>Case</i>	<i>Shell Ireland</i>
<i>Date of notification</i>	<i>August 2008</i>
<i>Complainant</i>	<i>Póbal Chill Chómain (local community group), Action from Ireland (AFRI) and Sherpa (international human rights advocates group) alleges that a gas pipeline would pass too close to populated areas and go through an area prone to landslides, raising health and safety concerns to local communities</i>
<i>Enterprise concerned (sector)</i>	<i>Shell Exploration and Production Ireland Ltd (SEPIL), a subsidiary of Royal Dutch Shell and co-investors Statoil of Norway and Vermilion Energy Trust of Canada (oil and gas industry) (oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Ireland (leading), NCP Netherlands and involvement of NCP Norway and NCP Canada</i>
<i>Status</i>	<i>Closed</i>
<i>Chapters cited</i>	<i>Chapter II (General Policies) Chapter V (Environment)</i>
<i>Final statement</i>	<i><u>Yes</u></i>

Pobal Chill Chomáin (People of Kilcommon) and two supporting NGOs filed a complaint concerning the Corrib gas project in North West County Mayo, Ireland run by a consortium of Shell E&P Ireland, Statoil Exploration Ireland, and Vermilion (which bought out Marathon Oil's share in 2009). The project includes a gas processing plant and a pipeline to transport untreated gas from the sea to the processing plant. The complaint alleges the pipeline would pass too close to populated areas and given the instability of peat in some areas, there is an increased likelihood of pipeline failure. The groups also point to environmental concerns.

The Irish NCP, in cooperation with the Dutch NCP, conducted an initial assessment, and both NCPs declared the case admissible. The Norwegian, US and later Canadian NCPs were informed about the process. However, the process was put on hold while direct discussions between Shell and the complainants were being facilitated by the Irish government. When these talks collapsed in early April 2009, the Irish NCP held separate discussions with the parties. In September 2009, the NCPs summarised their findings and concluded that mediation would be extremely difficult given the irreconcilable positions on the main issue: relocation of the planned processing plant. Shell has refused to discuss relocation, claiming it received all necessary government permits for the plant. There was also significant disagreement as to whether the consortium engaged in sufficient consultations with the community. In January 2010, the complainants agreed with the NCPs' assessment that mediation appeared impossible and requested that the NCPs close the procedure with a final statement. The NCPs joint final statement focused on the issue of due diligence by the consortium, stating it was beyond its competence and mandate to draw conclusions on the validity of location of the processing facility. The statement concluded that in the early stages of the project, dialogue with stakeholders had not been in accordance with the spirit of the Guidelines. However, since 2005, the consortium had improved its practices and shown willingness to address health and safety concerns. The NCPs' statement also advised that in general, enterprises have a responsibility to respect the rights of people impacted by their activities. Companies are expected to

exercise due diligence in the broad sense of the concept, and they have a responsibility to consider going beyond what is legally required when it comes to consulting local communities.

Conclusion

The NCP in 2010 has learned from the views of colleagues, not only by the peer review report, but also by exchanging views and experiences in formal and informal meetings. It will continue to pledge for more involvement of the OECD organization in actively bringing up to date colleague NCP's who are less visible in their actions in their countries. For the success of the updated Guidelines it is important that each NCP should establish a standard for their functioning that is recognizable and acceptable both for the international business and NGO communities.

Addendum: Letter from the chairman of the Netherlands NCP as a first reaction to the peer review report

NORWAY/NORVÈGE

A. Institutional Arrangements

The Norwegian NCP was reorganised during 2010 as a follow-up to the white paper on corporate social responsibility (Report no. 10 (2008–2009) to the Storting). The reorganisation was based on national public consultations as well as inspiration from the Dutch and the UK NCPs.

The new NCP consists of a four member panel of independent experts,¹⁵ appointed in their personal capacities on the basis of their experience. The head of the NCP was recommended and appointed by the Ministry of Foreign Affairs and the Ministry of Trade and Industry jointly. He has been appointed for four years, and the other members for three years. All may be appointed for one additional period. The members were selected on the basis of recommendations from the business community (the Norwegian Federation of Enterprises), the trade unions (the Norwegian Confederation of Trade Unions) and civil society (the NGO coalition Forum for Development and Environment (ForUM)).¹⁶

A new secretariat consisting of two persons was recruited by the Ministry of Foreign Affairs in 2010 in an open recruitment process. The secretariat started up on 1 March. The constituent meeting of the NCP was held on 30 March. Administratively, the secretariat comes under the Section for Economic and Commercial Affairs in the Ministry of Foreign Affairs. However, it is located outside the Ministry together with the Council on Ethics for the Government Pension Fund Global. The Council on Ethics is administered by the Norwegian Ministry of Finance and has a similar structure to the new NCP, with a secretariat made up of civil servants, and independent members who are appointed in their personal capacities on the basis of their experience.

The NCP has its own budget of approximately EUR 514 000 per year, which covers salaries in the secretariat, remuneration to the panel members, and consultancy/fact finding costs relating to specific instances, information activities and administration. The members of the NCP are remunerated annually at a rate of approximately EUR 12 000 (to the head) and EUR 9 000 (to members).

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

The new NCP is independent of the Government, although the secretariat is under the Ministry of Foreign Affairs. The secretariat is located together with the secretariat of the Council on Ethics for the

15 Mr Hans Petter Graver (head of the NCP, Dean, University of Oslo, Faculty of Private Law), Ms Elin M. Myrmel-Johansen (director for strategy implementation in the retail market and part of the management group of Storebrand Life Insurance), Mr Jan-Erik Korssjøen (retired CEO from the Kongsberg Group) and Ms Gro Granden (special adviser in the Norwegian Confederation of Trade Unions). Mr Graver was recommended by civil society; Mr Jan-Erik Korssjøen and Ms Myrmel-Johansen were recommended by the business community. Ms Granden has represented the TUs of the NCP since 2000.

16 ForUM is a coalition of 55 Norwegian NGOs and is a member of OECD Watch. In the process of recommending members to the NCP panel of experts, ForUM also consulted non-members, including academic institutions.

Government Pension Fund Global. The NCP aims to strengthen collaboration with and promote the Guidelines and responsible business conduct in relevant ministries and public funding agencies.

The NCP secretariat is represented in an inter-departmental network of CSR coordinators and civil servants, and will also develop its own network with relevant government agencies.

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

The social partners are represented in the NCP itself. The members of the NCP were proposed by Norwegian member organisations in BIAC, TUAC and OECD Watch. The Ministry of Foreign Affairs appointed the members of the NCP.

The NCP will continue to relate to the social partners on a regular basis through KOMpakt, the Government's consultative body on CSR. KOMpakt consists of representatives from government, businesses, trade unions and NGOs and is led by the State Secretary, Mr. Erik Lahnstein. The new NCP was announced at the meeting of 25 October 2010. KOMpakt is currently being evaluated by a multi-stakeholder group.

On 29 March, the secretariat met the former NCP to learn from the members' experiences. Representatives from the Confederation of Norwegian Enterprises (NHO), the Confederation of Trade Unions (LO), the Ministry of Foreign Affairs and the Ministry of Environment were present.

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

The NCP collaborates closely with the relevant business and labour organisations. Civil society, mainly represented by the coalition of NGOs ForUM, is also a close cooperation partner. See section B. The new NCP aims to strengthen its relations and maintain an active dialogue with other NGOs and interested parties.

For example, on 18 May, a meeting was held with former and current complainants to the NCP, on the initiative of the complainants. We also intend to raise awareness of the Guidelines and the complaints mechanism among relevant NGOs and other interested parties, such as academic institutions.

- **How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?**

The NCP closely follows and refers to other leading corporate responsibility instruments in its assessment of specific instances and outreach activities.

The Section for Economic and Commercial Affairs in the Ministry of Foreign Affairs is responsible for the update of the OECD Guidelines, UN Global Compact and the Global Reporting Initiative (GRI). The Ministry's Department for UN, Peace and Humanitarian Affairs handles ILO issues in cooperation with the Ministry of Labour. The Ministry of Trade and Industry is responsible for Nordic CSR cooperation. It is vital that ministerial sections responsible for NCP-related issues help the NCP in promoting the OECD Guidelines. The NCP will cooperate with other relevant sections in the Ministry of Foreign Affairs, other relevant ministries and public institutions.

B. Information and promotion

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

The Guidelines have been translated into Norwegian and published on the Ministry of Foreign Affairs website. A new website is currently being developed. The NCP has also published a brochure about the Guidelines in Norwegian and English. These are posted on our website (<http://www.regjeringen.no/ncp>). The NCP will also publish new and updated material, such as brochures, flyers etc. in connection with the update of the OECD Guidelines.

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

Cooperation with the business community, trade unions, other NGOs and the interested public has been carried out through the Government's consultative body on CSR, KOMpakt.

The NCP will arrange open meetings with the business community, trade unions, other NGOs and the interested public in connection with the launch of the updated OECD Guidelines and the new NCP in Norway.

The NCP members will also seek to actively promote the OECD Guidelines in their respective networks and in the media

- **How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?**

In its white paper on CSR, the Government states that it will "work to increase knowledge and guidance about the Guidelines, among other things through the NCP and relevant public instruments". The NCP will explore opportunities for strengthening cooperation with the Norwegian Guarantee Institute for Export Credits (GIEK), state-owned enterprises and other agencies in matters concerning information about and implementation of the Guidelines.

GIEK has developed a social responsibility policy based on the OECD Common Approaches. GIEK presented its strategies and work at the KOMpakt meeting on 25 October 2010.

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

Several presentations that include promotion of the Guidelines have been held by government representatives at conferences throughout Norway, including at universities and business schools. KOMpakt has also held meetings on the ToR for the updating of the Guidelines and the actual negotiations.

An open meeting is tentatively scheduled for 15 June, 2011. It has been planned and organised together with the Confederation of Norwegian Enterprises (NHO), the Norwegian Confederation of Trade Unions (LO) and a broad coalition of Norwegian NGOs and members of OECD Watch and the Forum for Development and Environment (ForUM).

A range of other information activities are currently being planned, such as the launch of a new NCP website and new CSR webpages on the Ministry's website.

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

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is published on our website.¹⁷

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

The NCP has received and responded to enquiries from academic institutions, the business community, labour organisations, other NGOs, and the public.

The NCP has met and consulted with the Dutch and British NCPs in connection with the establishment of the new structure for the Norwegian NCP.

In addition, the NCP has been in contact with the Chilean and Canadian NCPs in the specific instance against the salmon farming enterprise Cermaq ASA and its subsidiaries Mainstream Chile and Mainstream Canada.

Norway maintains close contact with Nordic NCPs.

C. Implementation in specific instances

No specific instances were raised during the June 2010–2011 cycle.

The new NCP, which was established on 1 March 2011, formally agreed to deal with the two on-going specific instances from the former NCP on 30 March 2011.

Specific instances considered by NCPs to date

- The International Transport Workers' Federation vs. Gard (2002, concluded)
- Forum for Development and Environment vs. Aker Kværner ASA (2005, concluded)
- Cedha vs. Nordea (led by the Swedish NCP, 2007, concluded)
- The Norwegian United Federation of Trade Unions vs. Kongsberg Automotive (2009, concluded)
- The Norwegian Support Committee for West Sahara vs. Fugro (2010, withdrawn)

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.**

¹⁷http://www.regjeringen.no/nb/dep/ud/tema/naeringslivssamarbeid_samfunnsansvar/naeringslivssamarbeid/oecd_ressurser.html?id=606663

Visibility has been applied in relation to the reorganisation of the NCP, e.g. through consultations with the business community, employee organisations and other interested parties. Information about the public consultations and the new NCP has been published on the Government's website, and the Ministry of Foreign Affairs issued a press release announcing the establishment of the new NCP. In addition, the NCP is currently considering whether its name, "Norwegian National Contact Point for OECD Guidelines for multinational enterprises", may in itself act as a constraint against increased visibility and perhaps also accessibility. The Norwegian NCP wishes to explore the possibility of including the term "responsible business" in its name (for instance "OECD Contact Point for Responsible Business" in line with the proposed subtitle for the updated Guidelines) for the purpose of increasing visibility and accessibility. The name NCP Norway or "Norwegian National Contact Point" or NCP will however be maintained internationally. The NCP also aims to increase its visibility and that of the Guidelines through search engine optimisation.

Accountability has been strengthened through the reorganisation of the Norwegian NCP. The new NCP has evolved from a tripartite to a multi-stakeholder structure. The members are appointed in their personal capacities by the Government (the Ministry of Foreign Affairs) on the basis of recommendations from the civil society, the business community and the trade unions. Accountability has also been strengthened through declarations signed by the NCP members on confidentiality, impartiality and trade restrictions. These declarations will be made publicly available.

Accessibility could be improved. The NCP aims to respond rapidly to inquiries, and deal with specific issues raised by parties in an efficient and timely manner. Updated contact and location information has been published on our website.

Transparency is key for ensuring confidence in the NCP and its credibility. The conclusions from specific instances that have been considered by the Norwegian NCP have been published on the official website of the Norwegian Government. The statements provide information on the Guidelines as well as information on the procedure followed in the instance dealt with and the names of the parties involved. The NCP will invest in updating the website when the updated OECD Guidelines are adopted.

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

The reorganisation is expected to significantly increase the strength and efficiency of the Norwegian NCP. The Norwegian NCP has faced challenges in some specific instances with regard to complexity and fact-finding.

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

Several surveys have been performed by various Norwegian NGOs and companies on responsible business conduct in recent years. Out of six surveys we have examined, three explicitly refer to the Guidelines. Two of these were performed by the same institution and were sent out to virtually the same list of respondents in 2008 and 2009. The three surveys, all performed during 2008/2009 indicate that both awareness and use of the Guidelines are generally low among Norwegian enterprises, but higher among the largest companies and especially among those listed companies on the stock-exchange.¹⁸

¹⁸ The surveys mentioning OECD Guidelines were commissioned by 1) the Norwegian Ministry of Foreign Affairs (MFA), 2008 and 2) a group of Norway's largest institutional investors – the Sustainable Value Creation Initiative 2008 and 2009. In the survey for the Norwegian MFA, 45% of the 300 interviewed representatives of Norwegian SMEs and large enterprises "had heard of" the Guidelines when they were mentioned. **1% referred to the**

- **What issues might deserve particular attention during the 2011-2012 implementation cycles of the OECD Guidelines? Please elaborate as appropriate.**

The update of the OECD Guidelines will mean that the NCPs will need to update their information material accordingly. In this process, NCPs will need guidance from the Investment Committee Secretariat. If possible, measures to facilitate increased sharing of good practice and documents related to dealing with specific instances between NCPs would be helpful. An internal database for NCPs could be useful in this respect.

Guidelines when asked to mention relevant CSR standards, and 1% said they were familiar with and/or used the Guidelines. In the surveys performed by the Sustainable Value Creation Initiative in 2009 among listed companies, 21 out of 34 companies (64%) said they comply with / use the OECD Guidelines. 17% said they were not familiar with the Guidelines, while another 17% said they did not use the Guidelines. Correspondingly in 2008, 23 out of 37 said they use the Guidelines, 8.1% said they did not use the Guidelines and 29.7% said they were not familiar with the Guidelines.

NEW ZEALAND/NOUVELLE ZÉLANDE

A Institutional Arrangements

Composition of the NCP

The New Zealand National Contact Point (NZNCP) is comprised of officials in the Ministry of Economic Development.

How the NCP relates to other government agencies, social partners, and NGOs

The NZNCP is assisted in implementing the Guidelines by an advisory Liaison Group comprised of representatives from organisations with an interest in the subject matter covered by the Guidelines. This includes government agencies:

- Department of Labour,
- Ministry for the Environment,
- Ministry of Consumer Affairs,
- Ministry of Foreign Affairs and Trade,
- Ministry of Justice,
- Overseas Investment Office, and
- The Treasury;

and non-governmental organisations:

- Business New Zealand,
- New Zealand Amalgamated Engineering, Printing and Manufacturing Union,
- New Zealand Business Council for Sustainable Development,
- New Zealand Council of Trade Unions, and
- New Zealand Sustainable Business Network.

The Liaison Group's terms of reference are available on the NZNCP's website, www.med.govt.nz/oecd-nznpc.

The NZNCP takes a cooperative approach which involves the Liaison Group in discussions of promotional activities to raise awareness of the Guidelines in New Zealand, and of procedures, including for handling 'specific instances'. The NZNCP asks Liaison Group member organisations to promote the Guidelines to their members and other contacts, including through links on their websites. The members of the Liaison Group represent the views of their stakeholders to the NZNCP. The Liaison Group meets at least annually.

How the NCP relates to other leading corporate responsibility instruments

The NZNCP's website includes links to related instruments, including the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones and Global Reporting Initiative. The New Zealand government has sustainability initiatives that contribute to the principles set out by the Guidelines, such as its procurement policy. There is currently no UN Global Compact local network group in New Zealand with which the NZNCP could cooperate.

Any institutional changes planned to the NCP

None.

B Information and Promotion

How the Guidelines are made available in New Zealand

The Guidelines are available in both written and electronic forms from the NZNCP. The NZNCP's website is our primary communication channel. It includes:

- an introductory guide to the Guidelines principles and procedures;
- a link to the Guidelines page on the OECD website;
- a downloadable two-page information sheet on the Guidelines;
- a description of the role of the NZNCP and our contact details;
- information on our Liaison Group, including its terms of reference;
- an outline of the 'specific instance' mechanism under the Guidelines and the NZNCP's procedures for handling one;
- related documents; and
- related website links (to the OECD site, and to related organisations and instruments, e.g. Global Reporting Initiative and UN Global Compact).

Hard copies of the Guidelines and the NZNCP's two-page information sheet are available on request. The NZNCP also distributes the information sheet in relevant fora.

Most Liaison Group member organisations have links to the NZNCP website and/or the OECD website on their websites.

How co-operation with the business community, trade unions, NGOs and the interested public is carried out, with respect to information on, and promotion of, the Guidelines

The NZNCP provides information on our website and upon request. We respond to queries (most often received by e-mail) from the public and researchers, based in New Zealand and overseas. We aim to raise awareness of the Guidelines in at least one way (typically, a newsletter article) each year. The members of the Liaison Group both suggest promotional activities to the NZNCP, and themselves promote the Guidelines to their members and other interested parties.

How co-operation with state owned agencies is carried out, in matters concerning information and implementation of the Guidelines

The New Zealand government ministries with policy responsibility for the main Guidelines chapter areas (e.g. industrial relations, human rights, anti-bribery, environmental sustainability) are members of the NZNCP Liaison Group. Ministries with responsibility for less prominent policy areas (e.g. science, taxation) are on the NZNCP's e-mail circulation list. This is also the case for the export credit agency (New Zealand Export Credit Office) and inward foreign investment screening agency (Overseas Investment Office). The NZNCP involves relevant ministries and agencies on implementation matters (e.g. 'specific instances') that fall within their subject scope.

Other information and promotion activities that have been held or planned

Since our 2010 report, the NZNCP has been focused on the review/update of the Guidelines. We published news of the review/update, including the terms of reference, on our website; pointed readers to the OECD website for more detail; and invited interested parties to contact the NZNCP. We also sent a mid-review update to organisations known to have an interest, including business and union organisations and some New Zealand headquartered multinational enterprises.

We plan to undertake a publicity programme in relation to the 2011 edition of the Guidelines once it has been adopted. This will be planned with input from Liaison Group members – we hope to make maximum use of their communication channels with their respective stakeholders.

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

A link to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is posted on the NZNCP's website.

Enquiries received by the NCP

Have enquiries been received from:

(a) other NCPs;

None.

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

The NZNCP has replied to a few e-mail enquiries from individuals in relation to the Guidelines, including research questionnaires.

(c) governments of non-adhering countries;

None.

C Implementation in Specific Instances

Specific instances brought to the attention of the NCP

The ‘initial assessment’ phase of one ‘specific instance’ was concluded since our May 2010 report.

Date request received

3 September 2009

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

A trade union.

Chapters of the Guidelines cited

The specific instance cited:

- Chapter II (2, 4, 10),
- Chapter IV (1, 2, 4, 5, 8),
- Chapter VII (4), and
- Chapter X.

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

No.

Multi-jurisdictional instances: Liaison with other NCPs and parent companies

The complaint involved other jurisdictions because the New Zealand enterprise at issue had parent companies in Australia and Germany, and the complaint was also lodged with those countries’ NCPs. The NZNCP cooperated with the Australian and German NCPs in handling the complaint, including sharing of all submissions, draft reports, etc. The Australian and German NCPs in turn liaised with the parent companies in their countries.

Sector of activity.

Telecommunications services sector.

Was the request to consider the specific instance accepted or rejected?

The request was rejected upon completion of an extensive ‘initial assessment’. The NZNCP did not issue a public statement, in accordance with our published procedures regarding that outcome.

Were the issues raised in the specific instance also being addressed in parallel proceedings?

No.

Duration of the procedure

In this instance, the ‘initial assessment’ phase took nine months to complete. The complaint raised a wide range of issues, which necessitated gathering in-depth information about both (1) the detail and timing of events and (2) the applicable New Zealand law on the issues – particularly, in relation to employment and human rights. It was an iterative process of engaging with a number of organisations to build a comprehensive picture, which took more time than we would have predicted. The NZNCP’s published procedures state that we aim to complete an ‘initial assessment’ within three months. We will revisit that estimate when we review all of our procedures in light of the 2011 edition of the Guidelines.

D Other

How have the core criteria for the operation of NCPs been applied in your country to further the effectiveness of guidelines implementation?

Visibility

The Guidelines are readily available from the NZNCP via the website or any other mode of contact with the NZNCP. The NZNCP undertakes at least one promotional activity each year.

Information is also provided by the members of the Liaison Group to their organisations and wider contacts, including through their websites. Liaison Group members’ promotional activities include, for example, mention of the Guidelines in ‘introduction to sustainability’ workshops for businesses and checking that exporters are aware of the Guidelines during voluntary assessments.

Accessibility

The NZNCP can be contacted by telephone, e-mail, or post, or in person. We make Guidelines-related information available primarily via our website, but also in hard copy on request. We have responded to a number of enquiries and requests for information received over the past year, including questionnaires from researchers.

Transparency

The NZNCP makes our activities transparent to the public through posting on our website records of our meetings with the Liaison Group, plus our annual report to the OECD, which includes basic information on any ‘specific instances’ handled. The NZNCP’s procedures for handling ‘specific instances’ are also available on our website.

The NZNCP provides an extra layer of transparency to our advisory Liaison Group, which includes non-governmental stakeholders.

Accountability

The NZNCP, as part of the Ministry of Economic Development, is accountable to the Minister of Commerce, and through the Minister, to the Government and Parliament.

Issues that deserve particular attention during the 2011-12 implementation cycle

Based on the drafts to date, we expect that the 2011 edition of the Guidelines will contain significant amounts of new text addressed to both multinational enterprises and NCPs. It will take some time for interested parties to work through what it all means in practice. With experience, over time, several areas

will likely emerge where further interpretive or procedural guidance would be valuable. The new approach of due diligence with respect to supply chains is an obvious candidate. Delegations should be specifically encouraged to channel questions and experiences back to the Working Party, in relation to new material. For some issues, exchanges of experience may be sufficient. For more significant issues, written guidance could perhaps be progressed most efficiently by focused working groups formed out of the Working Party, developing drafts intersessionally that are then brought back to the whole group for finalisation.

PERU/PÉROU

A. Institutional Arrangements

- **Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.**
- **NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).**

NCP is led by PROINVERSION, the Peruvian Investment Promotion Agency. PROINVERSION has a Steering Council composed by 5 Ministers and led by the Minister of Economy and Finance. PROINVERSION is deepening its interaction with relevant authorities to perform the NCP’s task. A Consultative Board composed by main actors related to matters of the NCP will be implemented in the mid term in order to assure an adequate performance of the NCP’s functions.

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

The organization structure of PROINVERSIÓN, through its Steering Council, helps the interaction with other government agencies. Ministers that form part of the Steering Council are: Minister of Economy and Finance, Minister of Agriculture, Minister of Energy and Mining, Minister of Housing, and Minister of Transportation and Telecommunication. Moreover, there is a permanent interaction with the Ministry of Labor and the Ministry of Foreign Affairs.

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

Proinversion promotes dialogue and consultation with regional and local authorities, and civil society in order to support the promotion of private investment with special focus on public-private partnership for infrastructure investment projects (PPPs). We believe, social consensus is required to strengthen the private investment promotion processes.

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

Peru’s NCP is evaluating future actions with other interested parties, including non-governmental organizations (NGOs), involved in the functioning of the NCP.

- **How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?**

The NCP is planning to organize joint activities with the UN Global Compact Peruvian Chapter, by the fourth quarter of 2011, in order to promote the updated OECD Guidelines. At present more than Peru-based company are participating in this initiative.

B. Information and Promotion

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

As part of Proinversion's investment guidance services, Peru's adherence to the OECD Declaration is being informed to foreign investors willing to explore the possibility of doing business in Peru.

For that purpose, a site on Proinversion's webpage has been created <http://www.proinversion.gob.pe/0/0/modulos/JER/PlantillaSectorHijo.aspx?ARE=1&PFL=0&JER=4111>

Besides, the NCP has developed and published a two-fold brochure titled : Peru in the OECD, which includes issues about Peru's tasks as signatory of the OECD declaration on International Investment and Multinational Enterprises, the OECD guidelines, general policies of OECD guidelines for Multinational Enterprises and the NCP tasks. This brochure has been delivered to participants of several meetings and activities of investment promotion listed in the following table:

Activities Of Investment Promotion Carried Out by PROINVERSION July 2010 – June 2011

Event	Date	N° Participants	Place
National Events Organized and Co-organized by ProInversion			
Workshop on "Climate and investment opportunities in Peru"	17-Dec- 2010	150	Lima, Peru
Investment Forum and business cooperation	06-Jul- 2010	40	Lima, Peru
Total Participants		190	
International Events Organized and Co-organized by ProInversion			

CHILE ROAD SHOW	26 Aug – 2010	70	Santiago
COLOMBIA Telecom ROAD SHOW	07 – Oct – 2010	16	Bogota
ARGENTINA ROAD SHOW	29 – Nov – 2010	60	Buenos Aires
USA ROAD SHOW	06 – Dec – 2010	40	Houston
USA ROAD SHOW	06 – Dec – 2010	70	New York
USA ROAD SHOW	07 – Dec – 2010	20	Boston
Total Participants in Road Shows		276	

International missions and delegations visiting Peru in 2010

Mission and delegations	Date	Participants
Mission from Madrid, Chamber of Commerce of Madrid	04-Jun	17 companies
Mission from India – Embassy of India	06-Sep	14 companies
Mission from Thailand - Embassy of Thailand	24-Sep	10 companies
Mission from Colombia – Chamber of Commerce of Colombia	27-Sep	21 companies
Mission from Munich	04-Oct	16 companies
Mission from Andalucia, Spain – EXTENDA	18 - Oct	11 companies
Mission from Russia, Embassy of Russia	25 – Nov	30 companies

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

After starting cooperation between the NCP and foreign Business Community in Peru during the official launching of Peru's NCP activities and OECD guidelines in April 2010, NCP has continued promoting the role of promoting the guidelines by sending letters and brochures to the following binational business associations :

Binational Chamber of Commerce and Integration Peru-Brazil, Swiss Chamber of Commerce in Peru, Peruvian - Dutch, Chamber of Commerce, Peruvian – Japanese Chamber of Commerce, British-Peruvian Chamber, Peruvian- Mexican Chamber of Commerce, Nordic Chamber of Commerce, American Chamber of Commerce of Peru, Peruvian-Canadian Chamber of Commerce, Chamber of Commerce of Spain in Peru, and the Italian Chamber of Commerce.

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

PROINVERION, as NPC, is planning to carry out meetings with bi-national chambers of commerce seeking to promote workshops with foreign companies established in Peru. And, Guidelines will also be disclosed between the academia, specially research and economic studies centers.

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

No

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

We have been inquired regarding the following specific instances :

- 1) Telefonica del Peru Economic Group, through the Peruvian Union Confederation of Workers, the Trade Union of the Telecommunications activity SITENEL and the Peruvian NGO, PLADES.
- 2) Instance involving the mining company Doe Run Peru and Renco Group located in La Oroya city, the inquiry has been received from the Cooperaccion, Movimiento por la Salud de La Oroya, Forum Solidaridad, Red Uniendo Manos Perú, Oxfam America/Peru and Oxfam America /Washington

C. Implementation in specific instances

NCPs is seeking to provide the following information on specific instances that were raised and/or concluded during the June 2010-2011 period. 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

- **Date request to consider specific instance was received.**

- 1) Instance involving Telefonica del Peru Economic Group, November 17, 2010
- 2) Instance involving Doe Run Peru and Renco Group in La Oroya, February 24, 2011

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

- 1) In the first case, the Peruvian Union Confederation of Workers, the Trade Union of the Telecommunications activity SITENEL and the Peruvian NGO, PLADES.
- 2) In the second case, Cooperaccion, Movimiento por la Salud de La Oroya, Forum Solidaridad, Red Uniendo Manos Perú, Oxfam America/Peru and Oxfam America /Washington.

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

- 1) In the first case, paragraph 1a. from Chapter IV regarding Employment and Industrial Relations with respect to the right of employees to be represented by trade unions and engage in constructive negotiations to reach agreements on employment conditions.
 - 2) In the second case, Chapter II, General Policies (section 1,2 and 7), Chapter III, Disclosure (Section 2, 4e, and 5a and b) and Chapter V, Environment (Section 1a, 2,3,5 and 8).
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?**
 - 1) In the first case, the specific instance did not involve business activities in a non-adhering country. Likewise, it is not a multi-jurisdictional instance that involved other NCPs. The home NCP has not liaised with the parent company of the enterprise party to the specific instance.
 - 2) In the second case, the specific instance did not involve business activities in a non-adhering country. With respect to the multi-jurisdictional instance, it is important to mention that in the communication that raised the instance, the organizations asked for the participation of both the US and the Peruvian NCP. In that sense, we are coordinating with the US NCP. The Peruvian NCP leads the proceeding and the US NCP can play a supporting and collaborative role.
 - **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.**
 - 1) In the first case, the sector involved is the telecommunications sector.
 - 2) In the second case, the sector involved is the mining sector.
 - **Was the request to consider the specific instance accepted or rejected ? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?**
 - 1) In the first case, the request to consider the specific instance for further examination was accepted. The NCP communicate the representatives of the organizations that raised the instance, that the NCP will call the representatives of the enterprises involved and will evaluate the arguments in consultation with the Ministry of Labour and Employment Promotion.
 - 2) In the second case, the Peruvian NCP is still evaluating the arguments and has to communicate the representatives of the organizations that raised the instance.
 - **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**
 - 1) In the first case, the issues raised are also being addressed in parallel proceedings. The case involves the alleged lack of willingness of the enterprises, that are part of the Economic Group of *Telefonica del Peru*, to begin negotiations to reach collective agreements on employment conditions. According to our national labour law framework, these negotiations start with a proceeding before the Ministry of Labour and Employment Promotion. It is worth to mention

that, if there is a lack of agreement to start negotiations, after finishing the administrative proceeding, the case can continue in a jurisdictional process.

Thus, the organizations that raised the instance alleged that, even though through the years, they have started proceedings with many of the enterprises that are part of /or collaborate with the Economic Group of *Telefonica del Peru* throughout the years they cannot start the negotiations due to the objections presented by the enterprises as part of the proceedings.

Taking into consideration, the aforementioned, the Peruvian NCP is making consultations with the Ministry of Labour and Employment Promotion to reach to a conclusion in this case.

- 2) In the second case, according to the information provided, the issues raised in the instance have been addressed in parallel proceedings but specifically for personal injuries alleged before a Tribunal in Missouri, US. Thus, it does not seem that this can affect the specific instance procedure in Peru.

- **In what form has the NCP provided good its offices?**

- 1) In the first case, the NCP has met twice with the representatives of the organizations that raised the instance in order to listen to their arguments, to inform them that the NCP will further evaluate the instance and to explain them the procedure that the NCP will conduct. Likewise, the NCP has met the representatives of *Telefonica del Peru* Economic Group. Currently, the NCP is coordinating with the Ministry of Labour and Employment Promotion to reach to a conclusion.
- 2) According to the content of the communication that raised the instance, in the second case, the Peruvian NCP evaluated which roles should play the Peruvian and the US NCP in this specific instance. Likewise, currently we are evaluating the arguments raised in the communication sent according to the relevant procedures.

- **Did the parties reached agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

The parties have not reached an agreement yet in neither of both cases.

Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?

Neither of both instances have concluded yet.

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

As said before neither of both cases concluded yet

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

- 1) In the first case, the NCP collected information from the organizations that raised the instance, from the representatives of the enterprises involved, from internet, from meetings with representatives of the Ministry of Labour and Employment Promotion. The NCP is still waiting some information from the aforementioned Ministry. As said before, in this case, the instance is not concluded yet.
- 2) In the second case, the NCP has the information from the organizations which raised the instance and is in the phase of gathering other relevant information related to the case.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

D. Other

- **How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.**
- **Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?**
- **If the NCP has surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?**
- **What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.**

As next step starting in 2012, the NCP is elaborating a working plan oriented to promote updated OECD guidelines among business community and employee organizations located in several cities of Peru. This plan would be in force as from 2012.

POLAND/POLOGNE

A. Institutional Arrangements

The Polish National Contact Point has been located at the Polish Information and Foreign Investment Agency (PAIiZ) since 2001. Its address is:

Polish Information and Foreign Investment Agency
Economic Information Department
ul. Bagatela 12
00-585 Warsaw, Poland
www.paiz.gov.pl

PAIiZ is the governmental agency fully owned by the State and reports directly to the Ministry of Economy.

The Polish NCP stays in contact with social partners through correspondence and telephone calls and maintains operational contact with employee organizations (trade unions). Besides, NCP keeps in touch with embassies, foreign companies, NGOs and individuals, as well as Polish companies investing abroad interested in *the Guidelines*.

NCP also conducts a regular dialogue with business and non-governmental organizations, as well as uses government contacts with business at all levels to promote OECD *Guidelines*. During all promotional activities the Polish NCP highlights support of the Polish government for *the Guidelines*. The NCP also contributes to OECD efforts to raise awareness in non-adhering countries.

B Information and Promotion

Information

PAIiZ's website is the main channel of promotion of the Guidelines for Multinational Companies. *The Guidelines* are readily accessible on the PAIiZ web page and through the direct link to the main OECD National Contact Point site. In 2010 Polish NCP designed a new website which contains a greater amount of useful information, which to the greatest of our belief, meets requirements of OECD standards. We have added, among others, information on the most important cases we have dealt with, about our programme promoting OECD Guidelines, complaint procedures and our events promoting OECD Guidelines.

The NCP also sends out copies of the text of *the Guidelines* (either electronically or in hard copy) to enquirers on request. A hard copy of *the Guidelines* is included with the booklets that NCP distributes to investors.

The other activity of the NCP was promoting *the Guidelines* individually to representatives of business communities. This kind of promotion included distributing the booklets *with Guidelines* and answering to enquiries about them and the role of the NCP. For the purpose of improving the promotion of *the Guidelines* and the NCP we have allotted a substantial amount of money for printing brochures, leaflets

and other promoting materials. We have distributed them among the entrepreneurs which intend to implement business social responsibility in their companies in compliance with OECD Guidelines.

The booklets are also displayed near the conference rooms in the Agency building, thus are available for every investor and other guest visiting PAIIZ. Since last year's report we have distributed 5000 booklets of the Guidelines, 10000 CD's and 5000 leaflets on the NCP's activities.

Promotion

The Polish NCP stays in contact with business community and trade unions and conducts its informational activities according to the core criteria for the operation of NCPs. NCP answers questions on regular basis from the business, NGOs and social partners. The questions concern both *the Guidelines*, the NCP's procedures and matters connected with special instances. Co-operation with the public includes contacts with individuals such as employees of embassies and ministries, consulting firms, students of law and economics as well as individuals checking on the activities of the NCP and *the Guidelines*.

Promotion of the guidelines has the constant attention of the Polish NCP. Special attention was given to spreading 'best practice' cases to the business society and using these examples to enhance the appeal of the Guidelines. In order to maximise the outreach of this, the NCP makes use of the communication with organisations operating in business community, such as British Polish Chamber of Commerce, and the Forum of Responsible Business.

Our main objectives for the reporting year were to streamline our activities through writing new complaint procedures, establishing cooperation with the National Centre of Mediators and non-government organisations for the purpose of implementing our new programme on promoting OECD Guidelines "I implement OECD Guidelines. Responsible Business". We believe that the role of the mediator during handling the issue associating with breaching the OECD Guidelines is crucial and valued.

C. Implementation in specific instances

Since last year's report no new specific instances were submitted.

D. Other

The Polish National Contact Point has undertaken many new initiatives heading in the direction of improving its activities such as searching for possibilities of establishing cooperation with non-government organizations and public institutions which will help in better dealing with specific instances.

E Enquires

The Polish NCP has received enquiries from employee organizations, companies, embassies and the public through telephone, as well as e-mails and during meetings. Enquires submitted concerned *the Guidelines*, the NCP's procedures and activities of the Polish NCP.

PORTUGAL

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

No updates were made to Annexe 1 and Annexe 2.

- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).

AICEP, the Portuguese Investment Agency, is responsible for the promotion of OECD Guidelines and also for dealing with information activities; DGAE, Directorate-General for Economic Activities, focus its activity on institutional relations and in accompanying specific instances that may arise. Both agencies belong to the Ministry of Economy and Innovation.

- How does the NCP relate to other government agencies?

AICEP and DGAE work in close cooperation with other government agencies (for instance, IAPMEI, Medium and Small Enterprises Institute); in addition, there is a strong cooperation with the Ministry of Finance, Foreign Office and Portuguese Embassies all over the world, networking locally or internationally through AICEP 50 offices abroad.

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

Portuguese NCP maintains consultations with its social partners, namely developing a close relationship with the main Portuguese business associations and chambers of commerce.

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

Portuguese NCP maintains contacts with interested Portuguese NGOs, mainly on information activities.

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

Following the conclusion of OECD Guideline's update, AICEP and DGAE will reinforce the cooperation with APEE - Association on Business Ethics, in order to promote OECD Guidelines thorough its established Global Compact Portuguese Network.

B. Information and Promotion

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

The information provided on the Guidelines for Multinational Enterprises was translated and is available in the website of AICEP. Leaflets have been distributed in seminars and meetings with the business, labour and civil community.

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

Steps were taken in order to instigate a major awareness of the national business community, namely of the Portuguese investors abroad as to the importance of responsible business behaviour.

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

There has been a close co-operation with several Ministries as well as with relevant governmental agencies both during the update process or concerning implementation's purposes.

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

In terms of promotion, contacts have been made with entrepreneurial representatives and social partners with a view to reinforce the effectiveness of Guidelines implementation, as a way of good governance.

The information on corruption and fight against bribery was distributed to offices and diplomatic missions abroad as well as to more than 1,000 Portuguese companies operating abroad.

Portuguese NCP have evaluated Portuguese direct investment abroad and will adequately promote the updated text of the OECD Guidelines and the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones amongst targeted Portuguese multinationals, investors and enterprises that operate in specific and relevant markets.

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

Yes.

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is

necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

No update is necessary.

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

Yes. We have responded to an enquiry from a student of Stanford University on the proceedings of the OECD Guidelines for Multinational Enterprises in specific instances. We also have been contacted by Banco Espírito Santo, one of the major Portuguese banks, which intended to voluntarily follow the principles and standards embodied in OECD Guidelines.

C. Implementation in specific instances

No specific instances were raised.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

No update is necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

The Portuguese NCP, in terms of core criteria for its operation, has benefit from the close cooperation between AICEP and DGAE. Additional guiding principles for specific instances resulting from the update process will be applied by Portuguese NCP in order to achieve a better implementation of the Guidelines.

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

This implementation cycle (2010-2011) has strengthened the relationship between AICEP and DGAE towards a better cooperation in the activity of Portuguese NCP. The bipartite structure deepened the specialization of each entity involved and this specialization has brought benefits to resource allocation, better designed promotion and a quality driven relationship with public and private stakeholders.

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

No such information is available. Nevertheless, Portuguese NCP is evaluating the possibility, in future promotion campaigns, of designing a survey on investor's awareness of the OECD Guidelines.

- What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

During 2011-2012 implementation cycle, Portuguese NCP will have to work on the translation of the updated text of the Guidelines. From the evaluation of FDI flows that have been carried out in the last period, we will focus on our multinationals and investors abroad, adequately promoting the updated text of this important corporate responsibility instrument. On the other hand, we will have to consider and deal with the main impacts, in terms of NCP's activity, of the updated procedures in OECD Guidelines.

ROMANIA/ROUMANIE

The present Report of the activities undertaken by Romanian National Contact Point for encouraging the observance of the OECD Guidelines for Multinational Enterprises proposed by Organization for Economic Cooperation and Development (OECD) is in compliance with the Common Framework for Annual Reporting by National Contact Points to the Investment Committee for the period 1 July 2010-30 June 2011.

A. Institutional Arrangements

Romanian National Contact Point was established by Government Decree No. 420/12 May 2005, published in the Official Journal of Romania No. 411/16.05.2005, as binding element for the application of the OECD Guidelines for Multinational Enterprises. Romanian National Contact Point (RNCP) is responsible for encouraging the implementation of the OECD Guidelines for Multinational Enterprises in the national context and for disseminating information on these to the business communities and other interested parties.

RNCP collects the information regarding the national experiences of OECD Guidelines promotion, discusses the questions raised by business community regarding OECD Guidelines and assists their solving. When there are specific issues regarding the business behavior related to Guidelines implementation, RNCP is responsible for supporting their solving. Any person or company may contact RNCP concerning any Guidelines related request.

The establishment of the Romanian National Contact Point is in accordance with Romania's status of adhering country to the OECD Declaration on International Investments and Multinational Enterprises.

The RNCP includes representatives with decision power from the following authorities:

- Ministry of Foreign Affairs
- Ministry of Economy, Trade and Business Environment
- Ministry of Public Finance
- Ministry of Justice
- Ministry of Education, Research, Youth and Sports
- Ministry of Labour, Family and Social Protection
- Ministry of Transportation and Infrastructure
- Ministry of Regional Development and Tourism
- Ministry of Environment and Forests
- Romanian Centre for Trade and Foreign Investment Promotion
- Business Environment Unit
- Institute for Economic Research
- Alliance of Romanian Employers' Association Confederation
- Chamber of Commerce and Industry of Romania

Also, depending on the issue under debate within the Romanian National Contact Point, the consultation process may be extended to other representatives from governmental and nongovernmental institutions, trade unions and civil society.

The Coordination of the Romanian National Contact Point is assured by Minister of Economy, Trade and Business Environment, together with the responsible person for the relation between Romania and OECD, assigned by the Minister of Foreign Affairs. The executive function belongs to Ministry of Economy, Trade and Business Environment - Directorate for Business Environment and the Romanian Centre for Trade and Foreign Investment Promotion. The technical secretariat is ensured by the designated persons from the Romanian Centre for Trade and Foreign Investment Promotion and the Ministry of Foreign Affairs.

Headquarter of the Romanian National Contact Point is located within the Romanian Centre for Trade and Foreign Investment Promotion. The contact details are as follows:

Romanian Centre for Trade and Foreign Investment Promotion

17 Apolodor Street, district 5, Bucharest

Tel: 40 (021) 318 50 50

Fax: 40 (021) 311 14 91

Email: office@traderom.ro

Web: www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC

B. Information and Promotion

➤ Easy bilingual access to information on OECD Guidelines for Multinational Enterprises, RNCP and Investment Committee useful documents

Considering the easy access to information related to OECD Guidelines for Multinational Enterprises and RNCP's field of activity, as well as the link between foreign investments and OECD Guidelines issues, the sub-site section dedicated to RNCP is available on the Department of Foreign Investment from Romanian Centre for Trade and Foreign Investment Promotion's website. Romanian Government decided in late 2009, the reorganization of some public authorities and institutions and rationalization of public spending. Thus, Romanian Agency for Foreign Investment was dissolved and a new institution was established, respectively the Romanian Centre for Export and Foreign Investment Promotion that is continuing the activity of promoting and attracting investments developed by the former agency, including those regarding the National Contact Point.

The OECD Guidelines for Multinational Enterprises are translated in Romanian and are available for downloading also in English on the Department of Foreign Investment website on a separate section distinctively dedicated to RNCP. The information included on the RNCP sub-site refers to: brief description of RNCP attributions, the resolution mechanism of issues related to OECD implementation in specific instances, short presentation of OECD Guidelines, useful documents such as OECD Investment Policy Reviews Romania, Policy Framework for Investment, OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, useful links for Romanian and international websites.

➤ Promotion of the OECD Guidelines for Multinational Enterprises and RNCP to the business environment

A brief summary presenting the mission and responsibilities of the Romanian Centre for Trade and Foreign Investment Promotion, among which the Technical Secretariat of RNCP was edited in several editions of Business Journal, a weekly business information magazine. (No. 997-1013 and 1018, July-December 2010).

As well, in Romania Info Business 2011 edition, elaborated by Romanian Centre for Trade and Foreign Investment Promotion, a special chapter is dedicated to Romanian National Contact Point for the observance of the OECD Guidelines for Multinational Enterprises. Among the information presented worth mentioning: brief description of RNCP attributions and contact coordinates, the resolution mechanism of issues related to OECD implementation in specific instances, short presentation of OECD Guidelines, other useful documents – respectively Policy Framework for Investment, OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.

The information is available also online on the following websites:

- Romanian Centre for Trade and Foreign Investment Promotion

<http://www.traderom.ro/infobusiness/Romania%20Infobusiness%202011aprilie.pdf>

- Romanian Department for Foreign Trade

http://www.dce.gov.ro/Info_business/Infobusiness2011apr.pdf

- **Promoting RNCP and the OECD Guidelines to the academic world and managers of tomorrow**

The OECD Guidelines for Multinational Enterprises and RNCP mission and attributions were being promoted also in the academic field to the managers of tomorrow, respectively to the second year master students of the Romania-American Academy.

Within the international academic structure, the OECD Guidelines and RNCP were being discussed to a group of master students from Advancia-Negocia (Paris Chamber of Commerce Business School entirely dedicated to entrepreneurship) that visited Romania in April 2011, having a meeting at the Romanian Centre for Trade and Investment Promotion headquarter.

C. Implementation in specific instances

Regarding this issue, on the web page dedicated to the Romanian National Contact Point (<http://www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC>), clarifications concerning the resolution process of issues that arise relating to the implementation of the OECD Guidelines for Multinational Enterprises in specific instances are made. The RNCP provides a forum for discussion and assists the business community, employee organizations and other parties dealing with the issues raised in an efficient and timely manner and in accordance with applicable law.

Since its establishment in 2005, there haven't been received any requests to be considered cases by the Romanian National Contact Point.

D. Other

The core criteria of visibility, accessibility, transparency and accountability for the functioning of the Romanian National Contact Point have been applied to further strengthen the effectiveness of the OECD Guidelines for Multinational Enterprises. The Romanian NCP web page contains the OECD Guidelines in

English and Romanian and other OECD related documents. Also the OECD Guidelines and RNCP mission were presented to business environment and academic structures.

SLOVAK REPUBLIC/RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

The National Contact Point (NCP) has been established at the Ministry of Economy of the Slovak Republic, Strategic Investments Department. Since May 2008 the NCP is chaired by Ms Karin Jassova, Strategic Investments Director. The NCP is delegating part of the NCP-related tasks to SARIO, Slovak Investment and Trade Development Agency, a Ministry of Economy subsidiary under direct supervision of Strategic Investments Department.

Strategic Investments Department
Strategy Section
Ministry of Economy of the Slovak Republic

Mierova 19, 827 15 Bratislava
Slovak Republic
tel.: +421 2 4854 1605
fax: +421 2 4854 3613
e-mail: jassova@economy.gov.sk

Slovak Investment and Trade Development Agency
Ms. Lucia Guzlejova, Head of the Project Management Department, FDI section

Martincekova 17, 821 01 Bratislava
Slovak Republic
tel.: +421 2 58 260 226
fax: +421 2 58 260 109
e-mail: Lucia.Guzlejova@sario.sk

The NCP closely cooperates with other institutional stakeholders in Slovakia to ensure their engagement in promoting OECD Guidelines for MNEs as well as a continuous improvement of the NCP's functioning. These are notably the Ministry of Finance, Ministry of Labour and Welfare, and various associations and NGOs.

B. Information and Promotion

The Guidelines are published in Slovak language at the Ministry of Economy website. To further increase the visibility, the NCP is delegating marketing and promotion activities to SARIO, within the agency's FDI after-care services. A more proactive approach has been chosen in 2010, starting with a broader involvement of corporate social responsibility stakeholders, experimenting with their increasing engagement to see how the NCP performance will be impacted. This is also supposed to lead towards increased transparency and accountability of the NCP operation.

C. Implementation in specific instances

No specific instances have been submitted to the NCP yet which is expected to change because of the broader stakeholder engagement and OECD MNE Guidelines marketing activities. The Ministry of Economy will be proactively communicating active instances with other NCPs to acquire the tools necessary to resolve the incoming instances efficiently.

D. Other

The Ministry of Economy and SARIO will submit a proposal to build OECD Global NCP Monitor, an electronic database of shared instances and expertise envisaged to further increase NCP performance and efficiency of collaboration among the NCPs. SARIO will take charge of substantial part of the NCP related task.

SLOVENIA/SLOVÉNIE

A. Institutional Arrangements

The Slovenian National Contact Point is located at the Ministry of Economy of Slovenia as an integral part of the Directorate for Foreign Economic Relations.

Mailing address:

Ministrstvo za gospodarstvo, 1000 Ljubljana, Kotnikova 5, Slovenia

Phone number: +386 1 400 35 21 or 32 94

Fax number: +386 1 400 36 11

E-mail: nkt-oecd.mg@gov.si or Karmen.Oderlap@gov.si

The National Contact Point is supported by an intergovernmental working group which was formed on the basis of a decision by the Government. The purpose of the group is to discuss any specific instances and make recommendations. It consists of representatives from:

- Ministry of Economy,
- Ministry of Finance,
- Ministry of Labour, Family and Social Affairs,
- Ministry of Justice and
- Ministry of Environment and Spatial Planning.

The NCP established working contacts with non-governmental organizations (such as the Chamber of Commerce of Slovenia) in order to discuss promotion activities for the Guidelines.

B. Information and Promotion

The OECD Guidelines are available on website of the Ministry of Economy in Slovene language:

http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/DEOT/Smernice_OECD_za_vecnacionalne_druzbe_s_pojasnili.pdf.

Some distributions of Slovene translation of Declaration and Guidelines were made on different occasions.

Slovenia NCP promoted the OECD Guidelines through preparation of speeches.

Foreign investors which apply for public tender declare that the recipient of the co-financing will abide by the OECD Guidelines for Multinational Enterprises and the principles laid down in the Declaration on International Investments and Multinational Enterprises.

C. Implementation in specific instances

There have been no specific instances in the period under review.

The NCP proposed the adoption of internal rules of procedure as well as rules of procedure for the treatment of proposals in specific instances and making recommendations by the intergovernmental working group. This remains a pending issue.

SPAIN/ESPAGNE

A. Organisation institutionnelle

Structure et localisation du PCN

Le PCN espagnol est situé au:

Secrétariat d'État au Commerce Extérieur
Ministère de l'Industrie, du Tourisme et du Commerce
Paseo de la Castellana, 162
28046 Madrid

- téléphone: (+34) 91 349 38 50
- fax: (+34) 91 349 35 62
- e-mail: pnacional.sccc@comercio.mityc.es

Organisation institutionnelle du PCN

Le PCN est un service unique du Ministère de l'Industrie, du Tourisme et du Commerce dont le secrétariat est assumé par la Sous-Direction Générale des Investissements Extérieurs.

Le Secrétariat d'État au Commerce Extérieur a entrepris de refonder le PCN espagnol afin de l'adapter aux changements qui découlent des Principes directeurs révisés en 2011.

Quel est le lien entre le PCN et d'autres organismes publics?

Le PCN maintient des contacts réguliers avec le Ministère de l'Environnement et du Milieu Rural et Marin, le Ministère du Travail et de l'Immigration et le Ministère de la Justice.

Il a participé aussi au *Groupe de Travail sur la Transparence* du Conseil d'État à la Responsabilité Sociale des Entreprises (CERSE), dont les travaux ont abouti à la définition d'un modèle de rapport RSE, et prendra part aux travaux du nouveau Groupe de Travail qui va développer la Loi sur l'Économie durable et plus précisément d'une part l'article sur le suivi à donner aux rapports de durabilité des entreprises de plus de 1000 employés, et d'une autre les indicateurs qui serviront à décerner le label d'« entreprise socialement responsable ».

Quel est le lien entre le PCN et les partenaires sociaux impliqués dans le fonctionnement du PCN?

Les partenaires sociaux (milieux d'affaires: CEOE et Conseil Supérieur des Chambres de Commerce; Syndicats: UGT et CC.OO.) assistent régulièrement à des réunions du PCN.

Quel est le lien entre le PCN et d'autres organisations non-gouvernementales (ONG) et d'autres parties concernées impliquées dans le fonctionnement du PCN?

Plusieurs ONG sont convoquées à des réunions du PCN et y assistent régulièrement (Observatoire de la RSE, Transparency International, Confédération de Consommateurs, Amnesty International).

Quel est le lien entre le PCN et d'autres grandes initiatives en matière de responsabilité des entreprises ?

Le PCN prête sa collaboration au Pacte Mondial de l'ONU, et a participé aux travaux du *Groupe de Travail sur la Lutte contre la Corruption et la Transparence* du Réseau Espagnol du Pacte Mondial qui ont conduit à la publication du *Guide Pratique pour gérer les risques et les outils de mise en œuvre du Principe n° 10* sur la Lutte contre la Corruption et la promotion de la transparence.

B. Information et promotion

Comment les Principes directeurs ont-ils été diffusés?

Les Principes directeurs avaient déjà été traduits en espagnol, en catalan et en galicien, et publiés en une brochure par le Secrétariat Général au Commerce Extérieur. Le PCN avait aussi édité en espagnol l'ouvrage du TUAC traduit à l'espagnol par les syndicats.

Le PCN continue à fournir sa brochure aux parties intéressées sur demande, ainsi qu'aux Offices Commerciaux auprès des Ambassades d'Espagne et aux Directions Régionales de Commerce dans notre pays.

Le site web du PCN (www.espnc.es), indépendant de celui du Ministère de l'Industrie, du Tourisme et du Commerce, et la page web du Secrétariat d'État au Commerce Extérieur du Ministère (www.comercio.mityc.es) hébergent le texte complet des Principes directeurs, cette dernière sous la rubrique des Investissements Étrangers.

Nous attendons le texte définitif des Principes directeurs révisés en 2011 pour procéder à leur traduction dans l'immédiat en espagnol ainsi qu'à leur publication sur nos sites web et dans une nouvelle brochure du PCN.

Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée?

Comme déjà indiqué dans les rapports précédents, la coopération s'organise par le biais de réunions du PCN auxquelles sont invités les partenaires sociaux (milieux d'affaires, syndicats) et des ONG, ainsi que des représentants d'autres ministères de l'Administration espagnole.

Cette année le PCN a présenté les Principes directeurs à la conférence intitulée « *La Coopération OCDE/BIAC dans le domaine des défis sociaux et économiques actuels pour les milieux d'affaires espagnols* » organisée par la Confédération Espagnole des Organisations d'Entreprises (CEOE).

Il a participé aussi à débat sur le thème « *Des Entreprises pour la Transparence et contre la Corruption: une Analyse de Meilleures Pratiques* » organisée par *Tranparency International Espagne* où il a fait une présentation des Principes directeurs.

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

Le PCN continue à intervenir dans les cours de formation des Conseillers Économiques et Commerciaux espagnols à l'étranger, des stagiaires en commerce extérieur, des analystes des investissements et des attachés civils auprès des Ambassades d'Espagne. Il leur fournit les brochures sur les Principes directeurs ainsi que des explications plus détaillées. Il agit de même avec les nouveaux fonctionnaires des corps supérieurs des Ministères de l'Économie et de l'Industrie, du Tourisme et du Commerce spécialisés dans le domaine du commerce et des investissements.

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

Non.

L'annexe 3 présente le tableau 1 du Rapport du Président 2011 (« Liens entre les Principes directeurs de l'OCDE et les programmes de crédits à l'exportation, de garantie des investissements à l'étranger et de promotion des investissements à l'étranger »). Les PCN sont priés d'actualiser ce tableau.

Annexe modifiée.

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

Nous avons reçu une demande d'information de la part du PCN Norvégien au sujet de l'enquête que nous avons envoyée en 2009 aux 200 premières entreprises espagnoles investissant à l'étranger.

Nous continuons à recevoir quelques demandes d'information générale sur le PCN et les Principes directeurs de la part de particuliers (surtout de milieux universitaires).

C. Mise en oeuvre dans des circonstances spécifiques

Le PCN n'a été saisi d'aucun cas spécifique pendant la période 2010-2011.

D. Divers

Comment les critères fondamentaux de fonctionnement des PCN prévus par les Principes directeurs (visibilité, accessibilité, transparence et reddition de comptes) ont-ils été appliqués dans votre pays? Veuillez fournir des exemples pour illustrer ces différents points.

Les quatre critères (visibilité, accessibilité, transparence et reddition de comptes) de fonctionnement du PCN sont assurés par les contacts maintenus autant avec les partenaires sociaux et les ONG qu'avec d'autres départements de l'Administration, ainsi que par le site web www.espnc.es.

Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN? Y compris des expériences utiles éventuelles et/ou des difficultés rencontrées dans l'exercice de la mission du PCN ?

Les activités du PCN se déroulent de façon satisfaisante grâce aux bonnes relations établies avec d'autres Ministères, les partenaires sociaux et différentes organisations de la société civile. Pendant cette année nous avons renforcé les contacts avec tous nos partenaires habituels au cours de consultations plus amples au sujet de la révision des Principes directeurs.

Si le PCN a en sa possession des études ou des statistiques permettant d'apprécier le degré de sensibilisation des sociétés aux Principes directeurs, souhaiteriez-vous inclure ces informations dans votre rapport ?

Nous ne disposons pas de ce genre de documents étant donné que, en dépit des efforts déployés par le PCN, nous avons reçu très peu de réponses aux questions posées lors du sondage réalisé en 2009 entre les 200 premières entreprises espagnoles investissant à l'étranger.

Quelles questions pourraient mériter une attention particulière durant le cycle de mise en œuvre 2011-2012 ?

Le défi principal auquel nous continuons à être confrontés est le peu d'attrait que les Principes directeurs exercent sur les entreprises, étant donné que celles-ci ne peuvent les souscrire comme dans le cas des Principes du Pacte Mondial des Nations Unies.

SWEDEN/SUEDE

A. Institutional Arrangements

- **Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.**
- **NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).**

The following organizations may be added:

IF Metall

Unionen - Swedish Union of Clerical and Technical Employees in Industry and Swedish Salaried Employees

Swedish Confederation of Professional Employees (TCO)

Swedish Trade Union Confederation (LO)

Swedish Confederation of Professional Associations (SACO)

Confederation of Swedish Enterprise (Svenskt Näringsliv)

Swedish Trade Federation (Svensk Handel)

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

The NCP is open for cooperation with any interested agency. Through the initiative Swedish Partnership for Global Responsibility (which aims at promoting the OECD Guidelines and the principles set forth in the UN Global Compact) an ongoing dialogue is held with several government agencies on issues relating to the OECD Guidelines. Within this process Sweden would like to highlight the ongoing work in the Swedish Development Cooperation Agency (Sida)

Sida is finalizing a process formulating new Guidelines for the agency’s activities related to CSR and development based on the OECD Guidelines. These guidelines will, together with the program Business for Development, B4D, form the basis for Sida’s collaboration with the business sector. According to the new CSR Guidelines, Sida will require alignment with OECD’s Guidelines (and UN Global Compact’s principles) in any engagement with business. This refers to procurements, agreements and other collaboration within the B4D Programme. (Sida will require routines for management and implementation of the OECD Guidelines). The Sida Guidelines, are based upon the UN Framework Protect, Respect and Remedy, but also consistently refers to the OECD Guidelines and Global Compact. Since Sida’s framework

for working with CSR gives recommendations on different levels – e.g. in the partner countries – capacity support to stakeholders such as local governments, local trade unions or other organizations can be one option for promotion and implementation of the OECD Guidelines. In regards to agreements and collaborations with other organizations (eg. NGOs) and municipalities, Sida will, in accordance with the new CSR Guidelines, inform about the OECD Guidelines. (Thus not include in agreements as requirements).

Sida is also referring to the OECD Guidelines on its web site. The Risk Awareness Tool has not been actively promoted, but can still be included in the Guidelines on the CSR work.

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

The NCP is built on a tripartite structure which core essence is consultation with social partners.

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

Since the launch of the Swedish Partnership for Global Responsibility in 2002, NGO's have shown an increased interest in the OECD Guidelines and the work of the NCP. The Swedish Partnership organizes seminars and work-shops sometimes together with NGO's and sometimes when NGO's participate.

Members of the NCP regularly attend seminars and conferences where they inform about and discuss the OECD Guidelines and the work of the NCP with NGO's.

Occasionally other interested parties are invited to NCP-meetings to discuss issues related to the Guidelines

- **How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?**

The Swedish NCP and the Swedish Partnership have a close relationship with the UN Global Compact and its local networks, and Sweden is currently the largest contributor to the Global Compact. The point of departure for the Partnership is the UN Global Compact and the Guidelines. Sweden considers that the two instruments complement and reinforce each other. The Partnership is part of the Nordic Global Compact Network and cooperates with the UN Special rapporteur John Ruggie.

i) The Swedish Partnership for Global Responsibility has an external reference group on CSR which focuses on businesses and enterprises, consisting out of Swedish companies and NCP representatives, including the export credit agency, Sida and Swedish Trade Council. The meetings are led by the Deputy Minister for Trade and take place two to three times per year.

ii) In addition to the reference group the partnership also has an internal group for consultation on CSR related issues and OECD guidelines-including, inter alia, government and other related authorities and institutions. These include;

iii) Before and after each NCP meeting the tripartite body consults the multi-stakeholder group. During 2010 two meetings were held, in April and October. The reference group was briefed on the update of the OECD Guidelines for multinational enterprises.

B. Information and Promotion

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

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 has been distributed to all Swedish embassies, the Swedish Parliament, the members of the organizations represented in the NCP, to various interested organizations and companies and on request. All companies applying for officially supported export credit guarantees are also given information about the Guidelines. The Swedish NCP revised the handbook 2006. The handbook is posted on the Swedish Partnership for Global Responsibility's web page where there are also links to the UN, OECD Investment Committee's (IC's) web page and to the OECD Guidelines and the commentary in Swedish and English.

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

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 government emphasizes the importance of coherence and working with cross-cutting policy issues, thus mainstreaming CSR in Swedish policies. The Green Growth Strategy and the presidency within the Arctic Council are two such initiatives.

The Swedish Government has established a Business and Development Council as part of a network to utilize the collective experience and knowledge of the Swedish business sector and public-sector actors to contribute to the goals of Swedish development policy and development cooperation.

Forming a network, the BD Council is complemented by a group of officials in Stockholm (BD Group) and by local BD councils at Swedish embassies in developing countries. Whereas the BD Council and BD group have met since January 2010, the local councils are expected to be in place by September 2011. Through the local councils a corresponding dialogue is stimulated in partner countries between the private sector and Swedish embassies in close cooperation with Swedish Trade Council offices and other official Swedish representations. The OECD Guidelines for Multinational Enterprises is one of the documents provided as guidance for the BD network as discussions frequently relate to corporate responsibility.

- **How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?**

Please compare the answer above.

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

N/a The following are examples of other information and promotion activities that have been taken place:

a) 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.

b) Parties of the NCP are actively engaged in promoting the OECD Guidelines as a part of their regular activities:

b i) The Swedish Trade Federation is a private organization for importers, traders, wholesaler and retailers. Ethics in trade and corporate social responsibility are key topics in their dialogue with members and potential suppliers to Swedish companies and the Swedish market. The Federation is actively promoting the Guidelines in their activities for member companies and in seminars and meetings with foreign companies who want to export to Sweden.

In December 2009 the Swedish Trade Federation launched its new CSR-tool towards member companies called "Responsible Business Management. The concept consists of a brochure and work-shops covering four areas: the responsible employer, good market ethics, taking responsibility for the environment & the climate and the area of responsible purchasing and supply chain management.

The Swedish Trade Federation arranged a laboratory work-shop in Brussels in March 2010 under the umbrella of the "European CSR Alliance", in cooperation with EuroCommerce. The theme of the work-shop was local engagement with a specific focus on education and the importance of higher education with a focus towards the commerce sector.

During 2010 the Swedish Trade Federation has carried out several activities for the Swedish SMEs in the area of "Responsible Business Management, CSR. The Federation has also taken part in seminars and break-fast meetings, presenting CSR - focusing on how companies practically incorporate ethical and environmental practices in the day-to-day business, to the Swedish Government, organizations and companies.

In the Winter of 2010 the Federation visited Istanbul – Turkey for a fieldtrip, to learn more about the market opportunities as well as to establish contact with our counterparts, Turkish Export- and/or Employers Organizations for further cooperation in the field of CSR.

The Federation has also been giving input to the European CSR web-site, which is to enhance the good work the European retailers and wholesalers carry out within the field of CSR. The web-based platform was launched April 27th .

The Federation also offers courses on issues related to the OECD Guidelines,

b ii) The Swedish Confederation of Professional Associations (Saco) participated during 2009 - 2010 in the OECD/TUAC Working Group on Global Trade and Investment and their consultations with the OECD Investment Committee concerning issues related to the OECD GL (Paris).

The Saco participated in the NCP Annual Meeting 2009 and the OECD Round Table on Corporate Responsibility: "Consumer Empowerment and Responsible Business Conduct" in Paris.

The Saco participated in the Swedish EU presidency conference on CSR based on the Ruggie framework on Protect, Respect and Remedy on the 10 – 11 of November 2009 in Stockholm.

The Saco has, as a member of the TUAC, and since the beginning of the autumn 2009 been involved in the preparations of the up-date of the OECD Guidelines. The Saco gave a lecture on the preparations in question to the Swedish Partnership reference group on CSR on the 10 of March 2010 in Stockholm.

b iii) Swedish Trade Union Confederation (LO) is representing 1.7 million workers in Sweden and is one member of the Swedish NCP. The OECD guidelines form an important part in the organizations CSR-policy work. LO Sweden has participated in many seminars to raise awareness of the guidelines and the NCP structure, for example seminars and meetings arranged by NGO(Swedwatch et al), media (Miljöaktuellt) and private initiatives (ISO and different consultants agencies) as well as Universities (Stockholm School of Economics). A representative of LO and IF Metall has played an active role in the development of ISO Social Responsibility Guidance and putting emphasize of the guidelines in that process. LO has also raised awareness about the guidelines to the national officers and local representatives of affiliated organizations.

The Swedish Trade Union Confederation (LO) has spread the Guidelines translated into Chinese (made possible by TUAC) to the China Labour Bulletin which is an independent organization based in Hong-Kong working with workers' rights in China.

Swedish Trade Union Confederation (LO) has also take part in the European Commission workshop on Environment, Social and Governance disclosure in January 2010. In the discussion the representative asked the Commission and the Member states to reaffirm its commitment to full implementation of the guidelines, as 24 of 27 EU member states also are members of the OECD.

Swedish Trade Union Confederation (LO) is a member of Sweden's Forum for Sustainable Investment and using its membership to spread the information about the guidelines to representative of the Financial Sector.

The Swedish Trade Union Confederation (LO) participated during 2009/2010 in the OECD/TUAC Working Group on Global Trade and Investment and their consultations with the OECD Investment Committee concerning issues related to the OECD GL and in the NCP Annual Meeting 2009 in Paris, as well as OECD Round Table on Corporate Responsibility: "Consumer Empowerment and Responsible Business Conduct" in Paris.

The Swedish Trade Union Confederation (LO) participated in the Swedish EU presidency conference on CSR based on the Ruggie framework on Protect, Respect and Remedy on the 10 – 11 of November 2009 in Stockholm.

b ix) The Confederation of Swedish Enterprises has information on CSR, including the importance of the OECD Guidelines, listed on its website.

b x) The Swedish Export Credits Agency, EKN, provides all its customers with information on the rules on bribery in accordance with their commitments in the OECD Recommendation on Bribery and Officially Supported Export Credits, and on the OECD Guidelines for Multinational Enterprises' (MNE's) and the Swedish Partnership for Global Responsibility.

b xi) The Swedish Partnership hosts a reference group for discussing CSR-related issues with various stakeholders since 2008. The members of the Swedish NCP are included in this group together with Swedish Global Compact companies. The reference group meets two-three times a year and is being very well-visited.

As previously mentioned, Sweden arranged a conference on CSR on November 10-11 2009. The conference was based on SGSR John Ruggie's report titled "Protect, respect and remedy". Professor Ruggie took active part in the conference himself, and among the other 200 participants from business, civil society and governments, the head of Global Compact Georg Kell, former UN High Commissioner for Human Rights Mary Robinson and Deputy Secretary-General of OECD Aart de Geus can be mentioned.

Last year, the Ministry for Foreign Affairs updated its Guidance against corruption. The main objectives of the document are to raise awareness among all employees about the negative consequences of corruption and to ensure that there is no corruption in the activities of the Ministry and its missions. Fight against corruption is included as a subject in many training courses for employees, in particular for those to be posted abroad.

Sweden has continued to encourage Swedish companies and their business partners abroad to do business without resorting to corruption. During 2010, seminars were arranged in China and in Russia based on the anti corruption web portal, www.business-anti-corruption.com. Parts of the portal has earlier been translated into Russian. As a result of the seminars last year, an e-learning programme in Russia is being developed. Parts of the portal has also been translated into Chinese.

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

The Swedish government strongly supports the tool and wants to disseminate it to all important actors such as companies, NGO and trade unions. The Swedish Minister for Trade has strongly emphasized the importance of the tool in the Swedish Parliament. The government has translated the tool into Swedish, which can also be found at the website of the Swedish Partnership for Global Responsibility. The NCP has been using the tool in its promotion activities.

- **Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.**

N/a

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

a) The Swedish NCP has been in contact with other NCPs, when necessary, through meetings at the OECD, supplemented by informal contacts.

b) NGO's, academics and academic institutions, business and others have contacted the NCP to learn more about the OECD Guidelines, the role of the NCP and the specific instance and the risk assessment tool.

c) The NCP has not received any official enquiries from the governments of non-adhering countries.

C. Implementation in specific instances

No specific instances were raised during the year.

D. Other

- **How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding**

principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Visibility: The Swedish Partnership for Global Responsibility has been of great importance for the promotion of the OECD Guidelines and there is an interest among Swedish companies, trade unions, NGO's and others. Whenever the chairperson of the NCP participates in seminars and conferences she informs about the OECD Guidelines, the NCP and the possibilities these give.

Accessibility: Members of the NCP (representing the business sector, union and the Government) participate in different groups, which is an asset in the work in the NCP and the effective implementation of the OECD Guidelines.

Accountability: The close collaboration between different actors within the NCP assures that different interests are being considered in the work of the NCP.

Transparency: Relevant information is posted on the web page, www.ud.se/ga which the Partnership is in the process restructuring with the aim to further promote the Guidelines.

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

There is currently no additional information.

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

N/a

- **What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.**

Activities: The NCP is planning various activities to promote the new, updated OECD Guidelines in order to raise awareness. Priority issues will be due diligence and supply chain (DD&SC), procedural issues and Sweden will pay particular attention to the promote Internet Freedom through respect of freedom of expression, assembly and association online.

Actors: Regarding development policy, the importance of participation of different actors in development, including private actors, is increasingly gaining attention. Cooperation between enterprises and various relevant actors in corporate responsibility has potential to lever activities engaged in and increase environmental, social and economic progress. Through engaging various actors in dialogue and combining different focuses and competencies, considerable synergy effects can be achieved.

Involvement of different actors is recognized as an important aspect of Swedish development cooperation. The Swedish Government advocate an active dialogue with the business sector, CSO:s and other actors in order to continuously develop and achieve increase effectiveness in development aid.

Sweden would like to explore the possibility of promotional activities with the OECD on how to further promote the guidelines together with the business community - particular in emerging economies.

SWITZERLAND/SUISSE

A. Institutional Arrangements

The Swiss National Contact Point (NCP) has a single-department structure and is part of the International Investment and Multinational Enterprises Unit of the State Secretariat for Economic Affairs SECO (Federal Department of Economic Affairs FDEA). In the view of SECO, international investments and Corporate Social Responsibility (CSR) go hand in hand. For that reason, the task to protect Swiss businesses investing abroad and the NCP have been assigned to the same governmental unit. Thus, the support to businesses operating internationally can be combined with fostering responsible corporate behaviour in an effective and flexible way.

Whenever a specific instance is submitted to the NCP, an "ad hoc" committee is constituted in order to deliberate on the issues raised and to support the NCP during the whole proceeding. The committee includes representatives from relevant other government agencies, taking into account the specific expertise needed (e.g. labour relations, environment) as well as the particular context of the country concerned. In fact, in such situations the NCP is working as a multi-department structured NCP.

Relations to other government agencies

The NCP is maintaining regular contact with different other government agencies, which cover aspects of the OECD Guidelines and collaborates closely with them in the case of specific instances as mentioned above.

Specifically during the period under review, the NCP cooperated closely and in a more regular manner with other relevant government agencies in order to develop the Swiss position regarding the update of the OECD Guidelines.

Relations to social partners and other interested parties, including non-governmental organisations (NGOs)

The cooperation with stakeholders is a priority of the Swiss NCP. By means of an open and comprehensive consultative group, which keeps up regular contact and meets at least once a year, the NCP can take advantage of the different perspectives and experiences offered by its stakeholders. This consultative group includes several representatives of social partners, employer organizations, multinational enterprises, NGOs as well as of several government agencies.

In line with the update of the Guidelines, contacts with all stakeholders have increased during the period under review and the consultative group met three times (December 2010, March and June 2011). It will continue to meet on a regular basis. The NCP also engaged in several other meetings with the aforementioned stakeholders to further discuss issues related to the update of the OECD Guidelines.

Relations with other major CSR initiatives

The NCP keeps close contact to the Swiss UN Global Compact Network¹⁹, which is managed by the International Chamber of Commerce Switzerland. At times, the NCP is elaborating on specific subjects

¹⁹ <http://www.unglobalcompact.ch/e/seiten/default.aspx>, 11.05.2011

(e.g. update of the Guidelines, prevention of corruption) during events organized by the UN Global Compact Network.

The NCP is in contact with the International Labour Organisation (ILO) and follows its activities in the fields of CSR in order to allow responding to the variety of issues in relation to labour conflicts submitted to the NCP.

The NCP also closely followed the activities of the UN Special Representative of the Secretary-General, John Ruggie, regarding the issue of human rights and transnational corporations and other business enterprises. In this context, the NCP participated during the period under review in several meetings and consultations in order to discuss the elaboration of the Final Report.

Furthermore, the development of the ISO 26000 initiative was closely followed. For the NCP it will be interesting to look at the acceptance as well as the implementation of this new standard. Moreover, the NCP observes developments in other fora and of other relevant initiatives, such as the Extractive Industries Transparency Initiative (EITI) or the Voluntary Principles on Security and Human Rights.

In addition, the NCP follows - in its role as focal point for general questions in relation to responsible business conduct - different other CSR initiatives, linking them with the OECD Guidelines in order to benefit from synergies. Moreover, new developments are observed carefully since they allow the NCP to follow the broader debate on CSR.

B. Information and Promotion

The NCP has its own comprehensive internet page providing all necessary information related to the Guidelines²⁰ and the functioning of the NCP²¹. It is regularly updated and can be consulted in the three official languages of Switzerland (French, German and Italian) as well as in English. The Guidelines are available on this website in all four aforementioned languages.

Since 2010, the NCP is distributing a flyer intended for multinational companies and other stakeholders summarising the Guidelines as well as the functioning of the Swiss NCP. This flyer has been largely disseminated through different channels after its publication in April 2010 and is now distributed at conferences, meetings and other occasions involving the NCP. The flyer is available in the three official languages of Switzerland as well as in English.

In its function as focal point for general questions in relation to responsible business conduct, SECO also maintains a webpage on CSR issues on which the OECD Guidelines are referenced.²²

Cooperation with the business community, trade unions, NGOs and the interested public

During 2010/2011, contacts and exchange between the NCP and its stakeholders have considerably increased within the framework of the update of the OECD Guidelines, giving the NCP as well as all stakeholders the possibility to exchange views on a more regular basis. There have been three meetings with the consultative group (December 2010, March and June 2011) with a respectable number of participants from all stakeholder groups. The meetings were mainly dedicated to the information as well as to the exchange of information and views regarding the update of the Guidelines. Furthermore, the annual

²⁰ <http://www.seco.admin.ch/themen/00513/00527/01213/index.html?lang=en>, 11.05.2011

²¹ <http://www.seco.admin.ch/ncp>

²² <http://www.seco.admin.ch/themen/00645/04008/index.html?lang=de>, 11.05.2011

report of the Swiss NCP at hand as well as other developments were presented and discussed at the June 2011 meeting.

The NCP made use of its good contacts to its different stakeholders in order to disseminate the flyer on the Guidelines and the role of the Swiss NCP. This included, in the period under review, distributing the flyer and other information on the OECD Guidelines to CEOs and other high level corporate executives.

Other information and promotion activities

The Guidelines and in particular the role and functioning of the NCP were presented at several public events. High level representatives of the Swiss Government referred to the Guidelines at several occasions in Switzerland as well as during missions abroad such as economic missions to developing countries. In addition, different government agencies as well as Swiss embassies abroad continued to be involved in the promotion of the Guidelines and of responsible business conduct.

On different occasions, the NCP had the occasion to present the framework of the update of the Guidelines to different publics and successfully invited all stakeholders to participate in the update process.

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

The NCP has its own internet page providing all necessary information related to the Guidelines and the functioning of the NCP. It also contains information on the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Furthermore, the NCP took different opportunities during discussions with Swiss multinational enterprises to refer to the mentioned tool.

Enquiries of different stakeholders

During the period under review, the NCP has been in close contact with several other NCPs (e.g. Germany, France, Canada, Netherlands, UK) in order to coordinate activities regarding specific instances raised and to exchange information as well as experiences on the functioning of the NCP. The Swiss NCP benefited from the experiences of other NCPs and is convinced that peer learning and exchange of best practices need to be promoted in the future.

Since the start of the update of the Guidelines, the NCP has received and answered several requests from different stakeholders concerning the update and the consequences for the Swiss NCP. In this regard, the NCP also replied to questions raised in Parliament (National Council), thus raising awareness for these recommendations up to the highest political level.

In addition, the NCP - in its function as focal point for general questions regarding responsible business conduct - continued to discuss and reply to requests in relation to CSR, which are regularly received from the business community, trade unions, NGOs, researchers and the general public. These occasions are also used to promote the expectations of the Swiss Government in relation to the implementation of the OECD Guidelines.

C. Implementation in specific instances

The NCP accepted in February 2010 a specific instance raised in December 2009 by workers' representatives concerning conflicts in relation with the closure of two production sites in the Philippines as well as the partial closure of a factory in Thailand of the Swiss multinational enterprise Triumph International. The NCP subsequently offered its good services to contribute to a solution of the issues raised in the submission. The enterprise accepted the offer of the NCP to facilitate a dialogue and suggested a framework and conditions for such discussions. The submitting parties welcomed Triumph's willingness to engage in a dialogue, but did not agree on all elements of the suggested framework. Although the NCP tried to facilitate an agreement on the framework for the dialogue it came to the conclusion that such an agreement could not be reached, taking into account the exchange of written

positions over a period of several months. It therefore decided to conclude the proceeding and to issue a final statement which was published in January 2011.

In October 2010, the NCP received two specific instances regarding the possible use of child labor in the supply chain of two Swiss enterprises active in Uzbekistan. In December 2010, the NCP received a similar submission regarding a third Swiss enterprise active in the same country. The NCP accepted all three specific instances in March 2011 and offered its good offices to all the parties involved. The proceeding is ongoing.

Another specific instance was submitted to the NCP in April 2011 concerning the activities of a subsidiary in Zambia, co-owned by a Swiss and a Canadian multinational enterprise. At the time of publication of this report, the NCP had not yet concluded its Initial Assessment and decided whether it would accept this specific instance or not.

In addition, the Swiss NCP has been collaborating at different occasions with other NCPs treating specific instances linked to Swiss multinational enterprises. The collaboration mainly consisted in the exchange of information.

D. Other

The Swiss NCP avails itself of the successful update of the OECD Guidelines - giving more explicit recommendations for the role and functioning of the NCPs - to clarify and structure the different steps which the NCP may take regarding specific instances. This will be done in the perspective to publish a procedural guidance on its website, which will provide a detailed guidance to all parties involved in a specific instance procedure.

With respect to specific instances the NCP offers, upon agreement of the parties concerned, non-controversial procedures to assist them in resolving the issues at hand (platform for dialogue, conciliation, mediation). However, the NCP does not see it as its role to form or publish a judgement on the controversial issues or the question whether the Guidelines have been breached (adjudication).

TURKEY/TURQUIE

REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

Common Framework for Annual Reporting by National Contact Points for the period June 2010-June 2011

A. Institutional Arrangements

No update is necessary.

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. A booklet on Turkish NCP and the Guidelines, printed in 2009, is also distributed in 2011.

An Advisory Committee to the NCP has been established in 2009 to help promoting the cooperation with stakeholders. The Advisory Committee made its meeting on 2 June 2011 with the participation of business and labor organisations, civil society and universities. The main subject of the meeting was the recent update of the Guidelines.

During the 1 year period between June 2010-May 2011 the Turkish NCP:

- Organised a seminar for the newly recruited assistant experts of the Undersecretariat of Treasury; another seminar for Treasury Experts and Auditors,
- Organised a seminar for Turkish Economic Counsellors and Trade Attaches,
- Organised a seminar for students of Ankara University's Trade and Banking Law Certificate Program,

C. Implementation in specific instances

No new specific instance was raised during the period.

UNITED KINGDOM/ROYAUME-UNI

UK National Contact Point

IMPORTANT NOTE: the information below is correct at the time of writing (13 May 2011)

A. Institutional Arrangements

- **Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2010 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.**

Annexes 1 and 2 have been updated (see separate attachments).

- **NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point, including multi-stakeholder advisory or oversight bodies established to assist NCPs in their tasks).**

No new developments since 1 July 2010.

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

No new developments since 1 July 2010.

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

No new developments since 1 July 2010.

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

No new developments since 1 July 2010.

- **How does the NCP relate to other leading corporate responsibility instruments, such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks?**

We continue to copy our Final Statements to the UK Global Compact Network, and we are closely liaising with the European Investment Bank and the World Bank’s Office of the Compliance Advisor / Ombudsman (CAO) in respect of the complaint against BHP Billiton (in Mozambique) filed in October 2010.

B. Information and Promotion

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

Mainly through the UK NCP's website and UK NCP's booklet (available in English, French and Spanish). However, since May 2010, all UK Government advertising and marketing spend is frozen. The freeze covers almost all paid-for communications activity – this includes publications, events and research. The UK NCP has therefore focused its awareness-raising activity on low-cost initiatives including: responding to enquiries on the Guidelines; participating to surveys on the implementation of the Guidelines; meeting, where appropriate, officials from other countries; promoting the Guidelines as part of the training for government personnel joining UK embassies.

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

Since May 2007, the UK NCP has cooperated with UK businesses, trades unions and NGOs through the representatives of these constituencies in the UK NCP Steering Board. Since 1 July 2010, the UK NCP undertook the following activities.

On 27 July 2010, the UK NCP delivered a presentation on the OECD Guidelines at a meeting for UK businesses organised by the International Chamber of Commerce.

On 29 March 2011, the UK NCP participated to an event on conflict minerals, organised by the UK Foreign and Commonwealth Office, that provided a useful opportunity to raise awareness of the OECD Guidelines and the OECD Risk Awareness Tool amongst UK multinationals and SMEs in the mining sector.

On 4 April 2011, the UK NCP held a stakeholder event (with UK businesses, trades unions and NGOs) to take stock of the progress made in updating the OECD Guidelines.

- **How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?**

The UK NCP effectively relies on the following members of the UK NCP's Steering Board: representative of the Exports Credits Guarantee Department (ECGD); representative of the Department for International Development (which sponsors the state-owned Commonwealth Development Corporation (CDC)).

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

The UK NCP is considering these issues in the light of the need to raise awareness of the updated text of the OECD Guidelines.

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

Referred to in the April 2011 stakeholder event taking stock of progress in updating the OECD Guidelines. See also above answer to the second bullet point under B.

- **Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.**

No update necessary

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

(a) Yes, German, Swiss, French, Dutch, Australian, Norwegian, Danish and Canadian NCPs. In December 2010, the UK NCP also hosted an event with like minded NCPs aimed at sharing best practice on the implementation of the OECD Guidelines.

(b) Yes, about 10 enquiries from the public, one from a trade union, and two from US academic institutions (Stanford Law School, and Berkeley Human Rights Review).

(c) Yes, one but from a Member of Parliament (South Africa).

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the July 2010 – June 2011 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

Since 1 July 2010, the UK NCP accepted for further consideration the following 4 new complaints (one was formally accepted in April 2010 but the publication of the Initial Assessment was delayed therefore the OECD Secretariat was not notified of this complaint in last year's contribution):

1) International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) v. Compass Group (Algeria)

- **Date request to consider specific instance was received:** 14 December 2009.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by a trades union (the IUF).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapters IV(1)(a) "Employment and Industrial Relations".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific**

instance? The alleged breach of the Guidelines occurred in Algeria (a non-adhering country). The UK NCP is liaising with the parent company in the UK.

- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Catering.**
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. The Initial Assessment is published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/10-1000-initial-assessment-ncp-compass-group-plc.doc>.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

No.

- **In what form has the NCP provided its good offices?**

The UK NCP offered, and the parties accepted, conciliation/mediation (conducted by a professional mediator appointed by the UK NCP).

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment completed on 28 April 2010.

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

N/A

2) Justica Ambiental et al. v. BHP Billiton (Mozambique)

- **Date request to consider specific instance was received:** 18 October 2010.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by a group of NGOs (Justica Ambiental (lead), Centro Terra Viva, Livaningo, Liga Moçambicana dos Direitos Humanos, Centro de Integridade Pública, and Kulima).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapters II(2), II(5) “Concepts and Principles”; Chapters III(1) and III(2) “Disclosure”; Chapters V(1)(a), V(1)(b) and V(2) “Environment”.
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in Mozambique (a non-adhering country). The UK NCP is liaising with the parent company in the UK. As BHP Billiton is also registered in Australia, the UK NCP is also liaising with the Australian NCP.
- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.** Extractive industry – aluminium.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. The Initial Assessment was published on the UK NCP’s website (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/11-687-initial-assessment-ncp-bhp-billiton.pdf>). However, the UK NCP suspended the complaint process to take into account the parties’ decision to undergo mediation outside of the UK NCP’s complaint process. The UK NCP requested regular updates from the parties on the progress of the mediation process, and will consequently keep the decision to suspend the UK NCP’s complaint process under review.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

Yes, parallel proceedings had commenced in Mozambique courts and Parliament, and by the European Investment Bank and the World Bank. Neither party made a submission to the UK NCP to suspend the complaint process because of serious prejudice to the ongoing parallel legal proceedings. Therefore, the UK NCP progressed the complaint in accordance with the OECD Guidelines.

- **In what form has the NCP provided its good offices?**

The UK NCP offered conciliation/mediation (conducted by a professional mediator appointed by the UK NCP). However, both parties stated to the UK NCP that they preferred to undergo conciliation/mediation under the World Bank’s Office of the Compliance Advisor / Ombudsman (CAO). The UK NCP accepted the parties’ request and suspended the complaint process accordingly. The UK NCP receives regular updates from the parties on the progress of the CAO’s mediation process.

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment completed on 2 February 2011.

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

N/A

3) European Centre for Constitutional and Human Rights v. Cargill Cotton (Uzbekistan)

- **Date request to consider specific instance was received:** 1 December 2010.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an NGO (European Centre for Constitutional and Human Rights (ECCHR)).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapters II(1), II(2), II(10) “Concepts and Principles”; Chapters IV(1)(b) and IV(1)(c) “Employment and Industrial Relations”.
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in Uzbekistan (a non-adhering country). The UK NCP is liaising with the US NCP as the parent company is based in the US.
- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.** Textile.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted, the Initial Assessment was published on the UK NCP’s website (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/11-764-initial-assessment-ncp-cargill-cotton.pdf>).

- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

N/A

- **In what form has the NCP provided its good offices?**

The UK NCP offered, and both parties accepted, conciliation/mediation (conducted by a professional mediator appointed by the UK NCP).

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment completed on 8 March 2011.

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

N/A.

4) European Centre for Constitutional and Human Rights v. ICT Cotton (Uzbekistan)

- **Date request to consider specific instance was received:** 7 December 2010.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an NGO (European Centre for Constitutional and Human Rights (ECCHR)).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapters II(1), II(2), II(10) "Concepts and Principles"; Chapters IV(1)(b) and IV(1)(c) "Employment and Industrial Relations".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in Uzbekistan (a non-adhering country). The UK NCP is liaising with the Luxembourg NCP as the parent company is based in Luxembourg.

- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Textile.**
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. The Initial Assessment was published on the UK NCP's website (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/11-765-initial-assessment-ncp-ict-cotton.pdf>).
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

N/A

- **In what form has the NCP provided its good offices?**

The UK NCP offered, and both parties accepted, conciliation/mediation (conducted by a professional mediator appointed by the UK NCP).

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment completed on 8 March 2011.

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

CONCLUDED SPECIFIC INSTANCES

- Since 1 July 2010, the UK NCP concluded the following 7 complaints (ordered according to the date of publication of the Final Statement, or of the Initial Assessment rejecting the complaint). The UK NCP would like to draw the OECD Secretariat's attention to complaints (1), (5) and (7) which had previously been suspended because of ongoing parallel proceedings in the host country and have now been concluded thanks to the September 2009 UK NCP's guidance on dealing with Specific Instances

in which there are parallel proceedings (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/a/11-652-approach-national-contact-point-parallel-proceedings.pdf>).

1) International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) v. Unilever (India – Doom Dooma factory)

- **Date request to consider specific instance was received:** 19 October 2007.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by a trade union (the IUF).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapter II(2) “Concepts and Principles”; and Chapters IV(1)(a) and IV(7) “Employment and Industrial Relations”.
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in India (a non-adhering country). The UK NCP liaised with the parent company in the UK.
- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.** Manufacturing – home and personal care products.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. The Initial Assessment (<http://www.bis.gov.uk/files/file47352.doc>) was published on the UK NCP’s website.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

Yes. On 20 June 2008, the UK NCP suspended the complaint process on grounds of ongoing parallel proceedings in India. Between November 2009 and February 2010, the UK NCP reviewed this Specific Instance in the light of its parallel proceeding guidance (which was endorsed by the UK NCP’s Steering Board on 16 September 2009). Having sought the views of both parties, the UK NCP informed both parties on 5 March 2010 that it would apply the guidance to this Specific Instance and progress the complaint in accordance with the UK NCP’s complaint procedure.

- **In what form has the NCP provided its good offices?**

The UK NCP offered, and both parties accepted, conciliation/mediation (conducted by a professional mediator appointed by the UK NCP).

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

Yes. The agreement is included in the published Final Statement.

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment completed on 10 April 2008; 2. Conciliation/mediation concluded on 29 September 2010; Final Statement concluded on 18 October 2010.

- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?** No examination of the allegations was required because, thanks to the UK NCP's sponsored conciliation/mediation process, the parties reached a mutually satisfactory outcome. Final Statement published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/f/10-1228-final-statement-ncp-iuf-unilever-doom-dooma.pdf>.

2) Corner House v. BAE Systems

- **Date request to consider specific instance was received:** 4 April 2005.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an NGO (Corner House).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapter VI(2) "Combating Bribery".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance? The alleged breach of the Guidelines occurred in the UK.**
- **Sector of activity:** extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Manufacturing - aerospace.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. No public statement accepting the complaint was issued at the time.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

The UK Government ran a public consultation on some of the issues raised in the complaint. The results of the consultation led to a change in the relevant Government's procedures mentioned in the complaint. The UK NCP took into account, in its Final Statement, the changes in the procedures.

▪ **In what form has the NCP provided its good offices?**

The UK NCP offered conciliation/mediation (conducted by a professional mediator appointed by the UK NCP), but the offer was declined.

▪ **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

▪ **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

No.

▪ **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Complaint accepted for further consideration in May 2005; Final Statement concluded on 5 November 2010.

▪ **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP? The results of the examination and the process followed by the UK NCP are published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/f/10-1265-final-statement-ncp-corner-house-bae-systems.pdf>.**

3) Corner House v. Rolls-Royce Group

- **Date request to consider specific instance was received:** 4 April 2005.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an NGO (Corner House).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapter VI(2) "Combating Bribery".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance? The alleged breach of the Guidelines occurred in the UK.**
- **Sector of activity:** extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Manufacturing - aerospace.

- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. No public statement accepting the complaint was issued at the time.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

The UK Government ran a public consultation on some of the issues raised in the complaint. The results of the consultation led to a change in the relevant Government's procedures mentioned in the complaint. The UK NCP took into account, in its Final Statement, the changes in the procedures.

- **In what form has the NCP provided its good offices?**

The UK NCP offered conciliation/mediation (conducted by a professional mediator appointed by the UK NCP), but the offer was declined.

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

No.

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Complaint accepted for further consideration in May 2005; Final Statement concluded on 5 November 2010.

- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?** The results of the examination and the process followed by the UK NCP are published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/f/10-1264-final-statement-ncp-corner-house-rolls-royce.pdf>.

4) Corner House v. Airbus

- **Date request to consider specific instance was received:** 4 April 2005.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an NGO (Corner House).

- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapter VI(2) “Combating Bribery”.
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in the UK. As the parent company is located in France, the UK NCP kept the French NCP informed of the progress of the complaint.
- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.** Manufacturing - aerospace.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. No public statement accepting the complaint was issued at the time.
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

The UK Government ran a public consultation on some of the issues raised in the complaint. The results of the consultation led to a change in the relevant Government’s procedures mentioned in the complaint. The UK NCP took into account, in its Final Statement, the changes in the procedures.

- **In what form has the NCP provided its good offices?**

The UK NCP offered conciliation/mediation (conducted by a professional mediator appointed by the UK NCP), but the offer was declined.

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

No.

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Complaint accepted for further consideration in May 2005; Final Statement concluded on 5 November 2010.

- **Would the NCP care to contribute additional information about this specific instance – e.g. how was the information on the specific instance gathered? Was accessibility to reliable**

information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP? The results of the examination and the process followed by the UK NCP are published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/f/10-1263-final-statement-ncp-corner-house-airbus.pdf>.

5) International trades union v. UK registered multinational (operating in Bangladesh)

- **Date request to consider specific instance was received:** 6 December 2005.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by an international 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.** Chapters IV(1)(a) and IV(8) “Employment and Industrial Relations”.
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breach of the Guidelines occurred in Bangladesh. The UK NCP liaised with the parent company in the UK.
- **Sector of activity:** extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Manufacturing - textile.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Rejected on the grounds that the allegations made in the complaint had not been supported by sufficient supporting evidence and therefore had not been substantiated. The Initial Assessment rejecting the complaint was published on the UK NCP’s website (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/10-1301-initial-assessment-ncp-uk-multinational-bangladesh.pdf>).
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

Yes. In 2006, before completing the Initial Assessment, the UK NCP suspended the complaint on the grounds of ongoing legal proceedings in Bangladesh. On 16 September 2009, the Steering Board of the UK NCP endorsed a new parallel proceeding guidance which sets out how the UK NCP intends to approach current and future complaints in which there are parallel proceedings. On 6 November 2009, the UK NCP wrote to both parties offering them the opportunity to comment on the application of the guidance to this complaint and/or request that the complaint remain suspended. On 18 December 2009, the company (B) requested that the complaint remain suspended in order to avoid causing serious prejudice to the parties involved in the ongoing legal proceedings in Bangladesh and especially to the company. On 16 March 2010, the UK NCP informed both parties of its decision to finalise the Initial Assessment on the complaint before considering B’s request any further. The Initial Assessment, rejecting the complaint, was finalised on 24 November 2010.

- **In what form has the NCP provided its good offices?**

N/A

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

N/A

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment (rejecting the complaint) concluded on 24 November 2010.

- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?** The process followed by the UK NCP is published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/i/10-1301-initial-assessment-ncp-uk-multinational-bangladesh.pdf>

6) Corner House et al. v. BTC Corporation (Azerbaijan, Georgia, Turkey)

- **Date request to consider specific instance was received:** April 2003. The BTC Pipeline Specific Instance was one of the first complaints raised with the UK NCP in 2003 and resulted in a Final Statement in 2007. Following a procedural review by the UK NCP Steering Board this original Final Statement was withdrawn and a Revised Final Statement was published in March 2011. The complaint as a whole was not substantively reopened and the UK NCP reviewed the withdrawn Final Statement in line with the recommendations of the procedural review.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by a group of NGOs (Friends of the Earth, Milieudefensie (Friends of the Earth Netherlands), The Corner House, Baku Ceyhan Campaign, Platform, Kurdish Human Rights Project).
- **Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.** Chapter I(7) "Concepts and Principles"; II(5) "General Policies"; III(I) "Disclosure"; V(I), V(2)(a), V(2)(b), and V(4) "Environment".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The UK NCP liaised with the Turkish NCP and other relevant NCPs in accepting lead NCP status for the 2003 complaint. The UK NCP also informed the Turkish NCP and other relevant NCPs of progress in reviewing the withdrawn Final Statement in line with the recommendations of the procedural review.

- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services. Extractive - oil.**
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** The UK NCP finalised a Revised Final Statement on this complaint on 22 February 2011 (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/r/11-766-revised-final-statement-ncp-btc.pdf>).
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

Reference to proceedings in the local court is included, where relevant, in the Revised Final Statement.

- **In what form has the NCP provided its good offices?**

Meeting with the parties and one field visit in 2005. The procedural review of the original Final Statement found that the UK NCP failed to provide an opportunity for the complainants to see and comment on a report by the company's largest shareholder BP, and that this meant that the UK NCP had acted unfairly and should withdraw and review the original Final Statement. The BP report in question addressed compensation and grievance concerns identified in the 2005 field visit by the UK NCP and was an important part of the UK NCP's decision-making in relation to certain parts of the complaint.

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

The parties did not reach agreement on the complaint. In line with the recommendations of the procedural review, the UK NCP liaised with the parties to reach agreement that the complainants would be provided with an opportunity to see and comment on the BP report. This included successful mediation on the subject of a mutually acceptable partner in Turkey with whom the complainants could share the BP report.

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

Yes, the Revised Final Statement of 22 February 2011 includes one recommendation.

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

Revised Final Statement concluded on 22 February 2011.

- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable**

information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP? The UK NCP's handling of this complaint was reviewed by the UK NCP Steering Board. In light of the UK NCP Steering Board's recommendations, the UK NCP published a Revised Final Statement (<http://www.bis.gov.uk/assets/biscore/business-sectors/docs/r/11-766-revised-final-statement-ncp-btc.pdf>).

7) Malaysian Trades Union Congress v. British American Tobacco (Malaysia)

- **Date request to consider specific instance was received:** 11 December 2007.
- **Who raised the specific instance (e.g. business, trade union, NGO)?** Complaint raised by a trades union (Malaysian Trades Union Congress on behalf of the British American Tobacco Employees 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.** Chapters IV(1)(a), IV(4)(a), IV(7) and IV(8) "Employment and Industrial Relations".
- **Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?** The alleged breaches of the Guidelines occurred in Malaysia (a non-adhering country). The UK NCP liaised with the parent company in the UK and directly with British American Tobacco Malaysia.
- **Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.** Manufacturing - tobacco.
- **Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)? Has the NCP issued a public statement on its decision that the issues raised merit further examination or not? Please elaborate on the content of the statement?** Accepted. The Initial Assessment on this Specific Instance was published on the UK NCP's website (<http://www.bis.gov.uk/files/file47349.doc>).
- **Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How the latter procedure affected the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?**

Yes. On 21 April 2008, the UK NCP suspended the complaint process on grounds of ongoing legal proceedings in Malaysia. Between November 2009 and April 2010, the UK NCP reviewed this Specific Instance in the light of its parallel proceeding guidance (which was endorsed by the UK NCP's Steering Board on 16 September 2009). Having sought the views of both parties, the UK NCP informed both parties on 6 April 2010 that it would apply the guidance to this Specific Instance and progress the complaint in accordance with the UK NCP's complaint procedure.

- **In what form has the NCP provided its good offices?**

The UK NCP offered conciliation/mediation (conducted by a professional mediator appointed by the UK NCP), but the offer was declined.

- **Did the parties reach agreement on the issues raised? If an agreement was reached, did the NCP issue a report on the results?**

N/A

- **Where the parties failed to reach agreement, did the NCP statement concluding the specific instance contained recommendations on the implementation of the Guidelines? Did the statement contained provisions on monitoring the implementation of the recommendations?**

Yes, the Final Statement of 4 March 2011 includes one recommendation.

- **What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?**

1. Initial Assessment concluded on 9 April 2008; Final Statement concluded on 4 March 2011.

- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?** The process followed by the UK NCP is published under <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/f/11-774-final-statement-ncp-bat-malaysia.pdf>. In particular, the UK NCP took into account that the examination of some of the issues raised in the complaint would have led the UK NCP to override local law and regulation or place the company in a situation where it faced conflicting requirements; therefore those issues were not examined by the UK NCP.

TRANSFERRED SPECIFIC INSTANCES

- Since 1 July 2010, the UK NCP transferred 4 complaints to other NCPs: one complaint (host country: Turkey) to the Turkish NCP; one complaint (host country: Australia) to the Australian NCP; and two complaints (host country: Nigeria) to the Dutch NCP.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

Annex 4 updated.

D. Other

- **How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.**

The UK NCP sits within the UK Government (namely, the Department for Business, Innovation and Skills (BIS), and the Department for International Development (DFID)) but its work is overseen by a Steering Board which includes four external members representing UK businesses, trades unions

and NGOs. The UK NCP's published complaints procedures clearly set out the UK NCP's approach to Specific Instances under the Guidelines, including the timing to conclude complaints and the UK NCP's approach to situations where there are parallel proceedings.

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

The UK NCP spent a considerable amount of time in resolving complaints submitted before the UK NCP's complaint procedure came into effect in April 2008. All these so-called "legacy cases" have now been concluded. The UK NCP would like to stress the importance of having a detailed published procedure to resolve complaints under the Guidelines.

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

No statistics available.

- **What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.**

Raising awareness of the updated Guidelines (especially supply chain provisions) amongst businesses, trades unions and NGOs.

UNITED STATES/ÉTATS-UNIS

A. Institutional Arrangements

The United States of America National Contact Point (U.S. NCP) is a senior career officer located in the Office of the Assistant Secretary of the Bureau of Economic, Energy, and Business Affairs (EEB) at the U.S. Department of State. The U.S. NCP was moved to the Office of the Assistant Secretary for Economic, Energy and Business Affairs in August 2010 from its previous location within that Bureau's Office of Investment Affairs in order to ensure that the U.S. NCP is independent from the State Department's office that formulates investment policy.

The U.S. NCP consults regularly with other experts in the U.S. Government through an active interagency working group, which includes representatives from the U.S. Departments of Commerce, Labor, Treasury, and sometimes Justice, the Office of the United States Trade Representative, and the Environmental Protection Agency, as well as other relevant offices in the Department of State, including the Office of the Legal Adviser, the Bureau of Democracy, Human Rights, and Labor and the Bureau of Oceans, Environment and Science, regional country desk officers, and officers at U.S. missions abroad, as appropriate.²³ The U.S. NCP convenes both regular and ad hoc meetings of the interagency working group to discuss Guidelines issues and specific instances, as needed.

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

U.S. National Contact Point
Bureau of Economic, Energy and Business Affairs
Rm. 4950, Harry S. Truman Building
U.S. Department of State
2201 C Street NW
Washington, DC 20520
U.S.A.
Telephone: 202 736-5686
Fax: 202 647-5713
E-mail: usncp@state.gov

B. Information and Promotion

The OECD Guidelines for Multinational Enterprises are available via the U.S. Department of State's web page, which has been recently updated to improve ease of use: <http://www.state.gov/usncp>. A brochure that explains the function of the U.S. NCP in a brief and easily readable format is available on the website.

Officials from the relevant government agencies maintain direct, informal contacts with representatives of business, labor groups, and non-governmental organizations (NGOs) interested in the

²³ The interagency working group is informally constituted; it is not established by U.S. law or regulations or under the U.S. Federal Advisory Committee Act. The U.S. NCP retains sole authority to make final determinations on matters falling under the purview of the National Contact Point.

Guidelines. The State Department's Advisory Committee on International Economic Policy is a formal multi-stakeholder advisory body through which issues relating to international economic policy, including the OECD Guidelines and the U.S. NCP, are also addressed with the private sector.

In addition to the stakeholders referenced above, the U.S. NCP and representatives of interested agencies maintain contact with other persons and organizations interested in responsible business conduct, including research institutes, universities, private firms, international financial institutions, students, and others who have contacted the U.S. NCP for more information about the Guidelines. Most of these inquiries are received by telephone or e-mail.

The Under Secretary of State for Economic, Energy, and Agricultural Affairs and the Assistant Secretary for Economic, Energy, and Business Affairs (EEB) and other principals regularly make reference to the OECD Guidelines in remarks before business, labor, and financial audiences, other U.S. Government agencies, foreign diplomats, academics, and other interested civil society organizations. EEB's Office of Economic Policy Analysis and Public Diplomacy manages the Secretary of State's annual Award for Corporate Excellence, which expressly includes consideration of how candidates operate in relation to the Guidelines in its selection process, and promotes the Guidelines at numerous speaking engagements throughout the year. The Department of State's Bureau of Democracy, Human Rights and Labor (DRL) promotes the OECD Guidelines when it addresses topics related to human rights, labor, and corporate social responsibility. DRL also references the Guidelines in its human rights reports and in its contact with a number of U.S. firms and associations in relation to its work on codes of conduct.

The U.S. NCP provides information about the OECD Guidelines to the Economic and Commercial Training Division of the National Foreign Affairs Training Center, where Foreign Service diplomatic, economic, and commercial officers receive advanced economic training for overseas assignments. The U.S. NCP has collaborated with the Export-Import Bank of the United States (EXIM) on providing information on the Guidelines to applicants for the Bank's financing programs in support of U.S. business activities abroad, and will continue this process.

The U.S. NCP reached out to several business organizations and civil society organizations in late 2010 to discuss collaboration on events to promote the Guidelines. However, while the Guidelines were frequently referred to in speeches by U.S. State Department officials at universities and other venues, actual specific promotion opportunities tapered off in early 2011, as the update of the Guidelines tended to capture the attention of stakeholders instead. The U.S. NCP expects to be able to take advantage of this interest in the updated Guidelines to spur interest among stakeholders in supporting events hosted by the U.S. NCP to positively promote the Guidelines upon their formal adoption at the 50th Ministerial.

C. Implementation in Specific Instances

The U.S. NCP received six new specific instances in the June 2010-2011 reporting period.

The first inquiry, received August 11, 2010, was raised by a U.S. labor union regarding the practices of subsidiaries of an MNE in the services sector that is headquartered in an adhering country. The practices of concern were related to Chapter IV, paragraphs 2 and 4 of the Guidelines, and occurred in the United States and in a non-adhering country. The U.S. NCP has been consulting with the NCP of the parent company's country.

The second inquiry, received October 12, 2010, was raised by a labor rights organization, on behalf of a labor union in a non-adhering country, regarding the labor practices of a subsidiary of a U.S.-headquartered MNE in the food manufacturing sector. Concerns related to Chapter II 1(a) and 2 and Chapter IV 1(d), 2(b) and (c), 3 and 8 of the Guidelines. On February 4, 2011, the U.S. NCP declined to

offer good offices pending the outcome of an imminent union election which would determine which union would be certified as the authorized representatives of the subsidiary's employees.

The third inquiry, received January 6, 2011, was raised by an international trade union on behalf of a local U.S. labor union regarding the labor and disclosure practices of a U.S. subsidiary of an MNE headquartered in an adhering country in the manufacturing sector. Concerns related to Chapters III 4(f), IV 1(a), 2(c) and 3 of the Guidelines. The labor issues raised are also currently before the U.S. National Labor Relations Board. The U. S. NCP is consulting with parties and with U.S. Department of Labor officials in order to make an initial assessment.

The fourth inquiry, received February 25, 2011, was raised by several NGOs, on behalf of NGOs and civil society groups in an adhering country, regarding environmental, disclosure and human rights concerns about a foreign subsidiary of a U.S. MNE in that adhering country. Concerns related Chapter II 1, 2 and 7, Chapter III 2, 4(e), 5(a) and (b), and Chapter V 1(a), 2, 3, 5, and 8. The concerns relate to a smelter facility in the adhering "host" country, which facility is also the subject of an arbitration proceeding filed by the U.S. MNE under a trade agreement. The U.S. NCP is consulting with the NCP from the host country, which also received the identical inquiry.

The fifth inquiry, received May 2, 2011, forwarded from an NCP in another adhering country, was raised by a local labor union in a non-adhering country regarding the labor practices of a subsidiary of a U.S.-headquartered MNE in the manufacturing sector. No chapters of the Guidelines were cited in the complaint, but the concerns relate to Chapters II, III and IV. The U.S. NCP is in the process of consulting with the parties in order to make an initial assessment.

The sixth inquiry, received May 9, 2011, was raised by a Native American tribal council regarding the activities of a U.S. corporation that supplies raw materials to an MNE headquartered and doing business in an adhering country. Concerns related to Chapters II, including human rights, III, disclosure and V, environment. The U.S. NCP is in process of consulting with the NCP in the home country and the parties in order to make an initial assessment.

D. Other

In July 2010, the Assistant Secretary for the U.S. Department of State's Bureau of Economic, Energy and Business Affairs (EEB) launched an initiative to review and reform the U.S. NCP, in conjunction with the 2011 update of the MNE Guidelines. The overall purpose of the reform initiative was to improve the U.S. NCP's effectiveness, including improving the U.S. NCP's visibility, accessibility, transparency and accountability and to ensure the U.S. NCP is operating consistent with the language and the spirit of the Guidelines.

The initiative included publishing a notice in the U.S. Federal Register requesting public comments and announcing a public meeting, which was held on November 2, 2010. In addition, the Assistant Secretary for Economic, Energy and Business Affairs asked the U.S. federal Advisory Committee on International Economic Policy (ACIEP) to undertake a thorough review of the U.S. NCP and to provide recommendations on how to improve its functioning. The ACIEP presented its recommendations formally to the Department on February 16, 2011.

In addition, the EEB Assistant Secretary recruited a senior officer to be the first-ever full-time dedicated U.S. NCP, even while the reform effort was underway. The U.S. NCP function was moved from EEB's Office of Investment Affairs, which is responsible for the formulation of U.S. investment policy, including policies related to the Guidelines' update, to the Office of the Assistant Secretary in order to ensure the U.S. NCP's independence. The U.S. NCP now also receives support from EEB's Office of

Economic Policy and Public Diplomacy (EPPD), which is responsible for outreach to the private sector on business and economic issues.

The EEB Assistant Secretary intends to announce the results of the U.S. NCP review and reform initiative in June 2011, following the adoption of the updated MNE Guidelines and after further consultations with the ACIEP. The structure and functioning of the improved U.S. NCP will take into consideration the ACIEP's consensus recommendations and the comments submitted by the public. There will be structural modifications to the U.S. NCP, as well as modified procedures for handling specific instances, consistent with the updated Guidelines and, of course, with the guiding principles of impartiality, predictability, equitability, and compatibility with the Guidelines. Going forward, the U.S. NCP also expects to focus on a more "positive, proactive" approach to promoting the Guidelines that will seek to resolve potential CSR problems in order to avert adverse impacts, and will endeavor to increase general outreach activities.

A supplement to this report will be provided to the Chair of the Investment Committee at the conclusion of the U.S. NCP reform initiative.

Issues deserving particular attention during the 2011-12 implementation year:

One issue with which the U.S. NCP has struggled, in light of the expansion of global business into all types of business relationships and corners of the world, is how best to proceed when a concern is raised about the business activities of an MNE that does business in more than one adhering country, or in a mix of adhering and non-adhering countries, and/or is headquartered in a third country, either adhering or non-adhering. This is particularly troublesome when the issues raised in the different countries are not closely related, or are not subject to the same local norms or laws, and the business practices vary widely.

Rather than designating one NCP as the overall lead in such multi-country cases, as has been the past practice, it may better serve the interests of the Guidelines for the NCPs of the home and different host countries to determine among themselves (rather than letting the affected parties decide) which NCP could most logically assist the parties reach a resolution consistent with local laws and practices; normally this would still be the host country NCP. This determination may include the NCPs deciding to "sever" the complaints stemming from different countries from each other, so long as doing so would not prejudice any of the affected parties. The U.S. NCP would like to discuss this issue during the 2011-12 cycle.

EUROPEAN COMMISSION/COMMISSION EUROPÉENNE

A. Institutional Arrangements

The European Commission does not formally act as a functional “National Contact Point” (NCP) as it does not have the responsibility of dealing with specific instances. However, it is committed to ensuring the promotion and success of the OECD Guidelines for Multinational Enterprises and to participating actively in the stage now to be initiated under the newly updated Guidelines. The promotion and use of the OECD Guidelines is an important element of Community policy on CSR both within the EU and externally, including for EU trade and investment policy.

Since the entry into force of the Lisbon Treaty on 1 December 2009, the European Commission is competent for EU foreign direct investment (Treaty on the Functioning of the European Union (TFEU), article 207(1) and article 3(1) establishing the EU's exclusive competence on FDI, as part of the common commercial policy). The European Commission is already exercising this new competence taking into account Corporate Social Responsibility and the OECD Guidelines.

It is DG Trade Unit B1, responsible for investment issues and overall coordination of corporate social responsibility within DG Trade that follows the work of the OECD Investment Committee. The delegate to the Investment Committee is Mrs Marta Busz. Mr Felipe Palacios Sureda follows specifically aspects related to the OECD Guidelines for Multinational Enterprises since September 2010.

Unit B1 ensures the coordination and information of all other relevant Commission Directorate Generals (DGs) on issues related to the OECD Guidelines for Multinational Enterprises (mainly DGs Enterprise, Employment and Social affairs, Development, the European External Action Service, Internal Market, Health and Consumer Safety, Research and Environment), including relevant OECD papers and initiatives. Many aspects are discussed within the inter-service group on corporate social responsibility involving various relevant DGs. This inter-service group was regularly consulted to define the European Commission's contributions and positions in the recently concluded review of the OECD Guidelines.

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B. Information and Promotion

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

Links to the OECD web pages on the OECD Guidelines exist on the Directorate General for Trade website, both under investment and corporate social responsibility.

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

The various services of the European Commission have frequent contacts with stakeholders on various corporate social responsibility aspects, including in the context of the European Alliance on CSR, a political umbrella for new or existing CSR initiatives by large companies, SMEs and their stakeholders. The European Commission also hosts a Multi-Stakeholder Forum for CSR, involving business, trade unions, NGOs, academics, and investors.

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.²⁴ Contacts with relevant stakeholders have also taken place on an informal basis at various levels.

- How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) in matters concerning information and implementation of the Guidelines?

Various services of the European Commission have frequent working contacts with European and national level public agencies including the European Investment Bank in a wider context, where matters related to responsible business conduct are discussed.

The Commission hosts regular meetings of a Member State committee on CSR, the High Level Group of senior officials mostly from ministries of industry and employment, some hosting the NCPs. This committee acts as a means for the Commission to sound out Member States on its own programmes and activities, and a means of awareness-raising and peer learning. The OECD Guidelines have featured prominently in the agenda of these meetings, with updates throughout the negotiation process.

Under the "Entrepreneurship and Innovation Programme" the Commission is currently co-financing multi-stakeholder National CSR Platforms in Estonia, Slovak Republic, Croatia and the Former Yugoslav Republic of Macedonia.

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

The European Commission adopts a coherent and broad based approach to CSR issues and has drawn attention to the role of the OECD Guidelines in several of its Communications on related topics, such as CSR, decent work, the social dimension of globalisation, conflict prevention, and sustainable development, and in its "Europe 2020" agenda.²⁵ This agenda for smart, sustainable and inclusive

²⁴ More information is available on <http://trade.ec.europa.eu/civilsoc/index.cfm>

²⁵ 'Implementing the partnership for growth and jobs : making Europe a pole of excellence on corporate social responsibility' (COM/2006/0136). Text available on http://eurlex.europa.eu/LexUriServ/site/en/com/2006/com2006_0136en01.pdf

'Promoting decent work for all: The EU contribution to the implementation of the decent work agenda in the world' (COM(2006)249). Text available on http://ec.europa.eu/employment_social/news/2006/may/com_2006_249_en.pdf

growth specifically mentions CSR when setting out the EU's industrial policy for globalisation, by stating the intention "to renew the EU strategy to promote CSR as a key element in ensuring long term employee and consumer trust."²⁶

The Communication 'Towards a comprehensive EU international investment policy' anticipates that the investment policy of the EU will integrate the promotion of the rule of law, human rights and sustainable development, by including relevant provisions in agreements, and possibly using the OECD GL as a key reference instrument on CSR²⁷.

As part of its policy on CSR, the Commission finances periodic calls for proposals to provide grants for awareness-raising on greater CSR commitment. In addition, the Commission has completed a guide on social considerations in public procurement, which enables public authorities to better account of social issues in their purchasing policies. The Commission also undertook awareness-raising in the area of the interaction between local employment development and CSR.

Two studies in the area of corporate social responsibility, commissioned by the Commission have been recently published: a study that analyses responsible supply chain practices in EU companies and another study on the legal framework on human rights and the environment applicable to European enterprises operating outside the EU.

Employer representatives, trade unions, NGOs, investors, academic representatives and others are consulted through a variety of fora. The European Multi-stakeholder Forum on CSR provides a space for dialogue between European stakeholders about developments in CSR and European policies. The last plenary meeting took place on 29-30 November 2010 exchanging views on the scope and content of future European policy in the field of CSR

The Commission is currently preparing for the adoption of a new Communication on corporate social responsibility intended for publication later in 2011, as the previous Communication dates from 2006.

As for related policy initiatives, various departments of the Commission are working on aspects of non-financial reporting following a public consultation, preceded by a number of multi-stakeholder workshops, analysis of CSR reporting practices.

"The Social Dimension of Globalisation - the EU's policy contribution on extending the benefits to all", http://trade-info.cec.eu.int/doclib/cfm/doclib_section.cfm?sec=169&lev=2&order=date

"Corporate Social Responsibility: a business contribution to Sustainable Development" COM(2002) 347 final,

http://ec.europa.eu/employment_social/soc-dial/csr/

"Conflict prevention", COM (2001) 211 final, 11 April 2001 http://europa.eu.int/comm/external_relations/cpcm/cp.htm

"The European Union role in promoting human rights and democratisation in third countries", COM (2001) 252 final, 8 May 2001; http://ec.europa.eu/external_relations/human_rights/intro/index.htm

"A sustainable Europe for a better world : a European Union strategy for sustainable development", COM (2001) 264 final, 15 May 2001; http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0264en01.pdf

"Europe 2020: a strategy for smart, sustainable and inclusive growth"; http://ec.europa.eu/eu2020/index_en.htm

²⁶ "Europe 2020: a strategy for smart, sustainable and inclusive growth" (page 15): http://ec.europa.eu/eu2020/index_en.htm

²⁷ 'Towards a comprehensive EU international investment policy', COM (2010) 343 (page 9) http://trade.ec.europa.eu/doclib/docs/2011/may/tradoc_147884.pdf

All recent EU FTAs include social and environmental provisions, including a reference to CSR, of importance in a trade and investment context, normally within a chapter on trade and sustainable development. This also provides for channels to exchange information and cooperation with third countries on corporate social responsibility and accountability, with the involvement of all stakeholders.

Representatives of the European Commission usually make reference to the OECD Guidelines for multinational Enterprises when they intervene in conferences and seminars dealing with the international aspects of CSR.

As regards promotion of the Guidelines, and corporate social responsibility more in general, abroad, European Union Delegations have been particularly active in partnering up with various academic and business organisations hosting seminars and conferences on various CSR related topics.

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

A link to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is available on the pages related to CSR on the web site of the Commission Directorate General for Trade. The tool has also been circulated to all departments involved in the CSR inter-service group.

- Annex 3 to this questionnaire presents Table 1 from the NCP Chair's Summary of the 2010 NCP Meeting ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Changes in the contact details for the European Commission were introduced.

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

Over the reporting period, the European Commission has received written questions and three Resolutions with to various extents with the OECD Guidelines from Members of the European Parliament.

C. Implementation in specific instances

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2011. NCPs are asked to verify and update this table if necessary.

The European Commission does not handle specific instances, which are dealt with by individual EU Member States.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) and, if the updated Guidelines are adopted, the additional guiding principles for specific instances (impartiality, predictability, equitability and compatibility with the Guidelines) been applied by your NCP to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.
- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
- If the NCP has surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?
- What issues might deserve particular attention during the 2011-2012 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

As far as these questions apply to the European Commission, all relevant information has been included above.

However, as regards relations with third countries, the European Commission would like to highlight that it promotes increased international dialogue and co-operation on corporate social responsibility.

The European Commission seeks to establish a regular dialogue on sustainable development issues, including corporate social responsibility, through its bilateral agreements. In particular, in the context of the free trade agreements (FTA) between the EU and its trading partners, the European Commission seeks to establish both an exchange of information and co-operation on corporate social responsibility and accountability, including on the effective implementation and follow-up of internationally agreed guidelines. The EU/CARIFORUM FTA contains provisions to this end, as well as the EU-Korea FTA, that will enter in force²⁸ in July 2011.

As regards trade relations with countries outside the EU, it is important to mention that the European Parliament issued three CSR related Resolutions, one specifically on corporate and social responsibility in international trade agreements.

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²⁸EU-Korea FTA – Sustainable development chapter: CSR reference is under 13.6 para 2.
http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145185.pdf