

**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 reproduces the annual reports of National Contacts Points (NCPs) for the June 2011-June 2012 implementation cycle of the OECD Guidelines for Multinational Enterprises.

This Part 1 of the document contains the final version of the first 20 reports received by the Secretariat (in alphabetical order, Argentina to Korea). It is submitted for reference to delegates attending the next NCP meeting on 19-20 June 2012 [DAF/INV/NCP/A(2012)1].

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JT03323832

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TABLE OF CONTENTS

ARGENTINA / ARGENTINE	3
AUSTRALIA / AUSTRALIE.....	21
AUSTRIA / AUTRICHE.....	36
BELGIUM / BELGIQUE	39
BRAZIL / BRÉSIL	43
CANADA	68
CHILE / CHILI.....	90
COLOMBIA	105
CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE.....	123
DENMARK / DANEMARK	138
ESTONIA / ESTONIE.....	154
FINLAND / FINLANDE.....	168
FRANCE.....	184
GERMANY / ALLEMAGNE	201
GREECE / GRÈCE.....	224
HUNGARY / HONGRIE	239
ISRAEL / ISRAËL	253
ITALY / ITALIE.....	269
JAPAN / JAPON	291
KOREA / COREE	314

ARGENTINA / ARGENTINE**A. INSTITUTIONAL ARRANGEMENTS**

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Foreign Affairs	Monopartite	OECD Affairs Coordination Unit Coordinator	No	No	Esmeralda 1212, Room 917 1007 Buenos Aires, Argentina Email: oeecd@mrecic.gov.ar +541148198124

* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

OECD Guidelines recommendations, as stated in the Procedural Guidance (I. A.)

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

As a governmental agency, the ANCP has an effective basis at its disposal and is necessarily impartial and accountable.

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

During November 24, 2011, the ANCP organized an event at the Ministry of Foreign Affairs to promote the 2011 OECD Guidelines for Multinational Enterprises among relevant Argentine governmental agencies, trade unions, NGOs, business associations and other stakeholders. In the first part of the event, the ANCP explained the updates. Stakeholders expressed their points of view and enquired as to procedural issues.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

As necessary and or appropriate, generally through the competent Foreign Ministry department.

6. “Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.” (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The ANCP is funded from the general budget of the Ministry of Foreign Affairs.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes, http://www.cancilleria.gob.ar/portal/pnc/
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes. No. Yes , the Argentine Spanish version along with the English version are available in the NCP Portal and the Ministry’s web page (http://www.cancilleria.gob.ar/portal/pnc/ and http://www.cancilleria.gob.ar). No.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No.

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>As necessary through contacts with competent government departments and agencies and as required by relevant stakeholders and MNE.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>During November 24, 2011, the ANCP organized an event at the Ministry of Foreign Affairs to promote the 2011 OECD Guidelines for Multinational Enterprises among relevant Argentine governmental agencies, trade unions, NGOs, business associations and other stakeholders. In the first part of the event, the ACNP explained the updates. Stakeholders expressed their points of view and enquired as to procedural issues.</p>
	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The ANCP summoned representatives of the above mentioned institutions to a promotional event of the Guidelines and their implementation procedures.</p>
	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The ANCP summoned government officials from different departments to a promotional event.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>In both areas, according to Government Rules and Regulations.</p>

f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	The OECD Section of the Embassy to France works with the OECD Affairs Coordination Unit Coordinator to that end. Other embassies are available for that purpose.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	As necessary through the competent Foreign Ministry department.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	No.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “impartial, predictable, equitable and compatible with the Guidelines” (in addition to the “core criteria of visibility, accessibility, transparency and accountability” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	No. N/A. No. Upon request.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	N/A

Specific Instances during the Reporting Period
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This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Mining Sector in Argentina	
Date complaint received	09/06/2011	
Complainant/s	NGO	
Name of Complainant/s	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	
Industry sector ¹	Mining and Quarrying (C)	
Name of Enterprise/s	Barrick Exploraciones Argentina, SA and Minera Argentina Gold, SA	
Relevant Chapter(s) and Paragraph(s) from Guidelines	<i>Chapter I «Concepts and Principles», Chapter II «General Policies», Chapter III «Disclosure», Chapter IV «Human Rights» and Chapter VI «Environment».</i>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
Initial Assessment* <i>From 9/06/2011 to present date</i> <i>(Under assessment)</i>	Assistance to Parties* -	Conclusion of the procedures* -

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>(Note: On 07/12/2011 the NGO included new information)</i></p> <p>*From specific instance received to it being accepted or rejected.</p> <p>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</p>	<p>*From specific instance accepted to conclusion of the procedures –</p>	<p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</p>
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<p>11. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.</p>		
Sector and Country	Mining Sector in Argentina	
Date complaint received	15/09/2011	
Complainant/s	NGO	
Name of Complainant/s	Center for Human Rights and Environment (CEDHA)	
Industry sector ²	Mining and Quarrying (C)	
Name of Enterprise/s	Xstrata Copper Argentina	
Relevant Chapter(s) and Paragraph(s) from Guidelines	<i>Chapter II «General Policies»: paragraphs 1, 6 and 7 ; Chapter III «Disclosure» : paragraphs 1, 2, 4 y 5; Chapter VI «Environment» : paragraphs 1, 3, 4, 5, 6 y 8.</i>	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p>Initial Assessment*</p> <p><i>From 15/09/2011 to 25/10/2011</i></p> <p><i>(Accepted)</i></p>	<p>Assistance to Parties*</p> <p><i>From 25/10/2011 to present date</i></p> <p><i>(As of 21/11/2011 the Enterprise suspended its participation until</i></p>	<p>Conclusion of the procedures*</p> <p>-</p>

² Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>*From specific instance received to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>finalization of its environmental impact report, while the NGO proposed a Due Diligence protocol on Mining Activities)</i></p> <p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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<p>12. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.</p>		
Sector and Country	Industrial Services Sector in Argentina	
Date complaint received	17/03/2011	
Complainant/s	NGO	
Name of Complainant/s	Asociación Civil por la Igualdad y la Justicia (ACIJ)	
Industry sector ³	Public administration and defence (L)	
Name of Enterprise/s	MAN Ferrostaal Argentina S.A.	
Relevant Chapter(s) and Paragraph(s) from Guidelines	2000 OECD Guidelines. Chapter II «General Policies»: paragraphs 5 and 6; Chapter VI «Combating Bribery» : paragraphs 1, 2, 3, 5 and 6.	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p>Initial Assessment*</p> <p><i>From 17/03/2011 to 16/05/2011</i></p> <p><i>(Accepted)</i></p> <p><i>*From specific instance received to it being accepted or rejected.</i></p>	<p>Assistance to Parties*</p> <p><i>From 17/03/2011 to present date</i></p> <p><i>(pending)</i></p> <p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p>Conclusion of the procedures*</p> <p>-</p> <p><i>* From Conclusion of the procedures to NCP Final Statement</i></p>

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Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>		<i>issued. The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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13. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Oil Sector in Argentina	
Date complaint received	28/05/2008	
Complainant/s	NGO	
Name of Complainant/s	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO) and Amigos de la Tierra	
Industry sector ⁴	Unidentified category	
Name of Enterprise/s	SHELL C.A.P.S.A.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	2000 OECD Guidelines. Chapter II «General Policies; Chapter III «Disclosure» and Chapter V «Environment».	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 28/05/2008 to 10/09/2008 (Accepted) <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months</i>	<i>Assistance to Parties*</i> From 10/09/2008 to date. (On 19/02/2009 the parties agreed to await a decision in a related judicial instance) <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> - <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement</i>

⁴ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>		<i>or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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14. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Financial Sector in Argentina	
Date complaint received	04/07/2011	
Complainant/s	NGO	
Name of Complainant/s	Asociación Civil por la Igualdad y la Justicia (ACIJ)	
Industry sector ⁵	Financial intermediation (J)	
Name of Enterprise/s	BNP PARIBAS	
Relevant Chapter(s) and Paragraph(s) from Guidelines	2000 OECD Guidelines. Chapter II «General Policies», Chapter Chapter III «Disclosure» and Chapter V «Environment».	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From 04/07/2011 to present date</i> <i>(Under assessment)</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> - <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> - <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

⁵ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

15. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Communications and Technology Sector in Argentina	
Date complaint received	13/12/2011	
Complainant/s	Trade Union	
Name of Complainant/s	Central de Trabajadores de la Tecnología y la Comunicación (CEPETEL)	
Industry sector ⁶	Communication and Technology industry	
Name of Enterprise/s	TELECOM Argentina, SA	
Relevant Chapter(s) and Paragraph(s) from Guidelines	2000 OECD Guidelines. Chapter II «General Policies», paragraph 2 ; Chapter Chapter III «Disclosure», paragraph 4 subitem f); and Chapter IV «Employment and Industrial relations», Parragraph 1, subitem a), Parragraph 2 subitem a) and b) and Parragraph 8..	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
Initial Assessment* <i>From 13/12/2011 to present date (Under assessment) *From specific instance received to it being accepted or rejected. Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	Assistance to Parties* - *From specific instance accepted to conclusion of the procedures –	Conclusion of the procedures* - * From Conclusion of the procedures to NCP Final Statement issued. The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)

⁶ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

16. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

ANCP NOTE: as all instances supra are open, question 16 is not answered for reasons of confidentiality.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

F. Other	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

<p>17. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).</p>	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	No.
b.	What proactive agenda issues deserve particular attention in your country?

<p>18. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).</p>	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?

<p>19. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?</p>	
	No.

<p>20. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.</p>	

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas⁷

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the Guidance been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
	N/A
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	N/A
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	N/A

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁸

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises
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⁷ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

⁸ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

	and stakeholders? Please elaborate.
	N/A
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	N/A

AUSTRALIA / AUSTRALIE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
C/- Foreign Investment and Trade Policy Division Australian Treasury	Monopartite	ANCP is supported by staff from the Foreign Investment and Trade Policy Division Australian Treasury	<i>The ANCP actively seeks input from other Australian Government Agencies as required</i>	N/A	<i>Australian National Contact Point for OECD Guidelines for MNE's C/- Foreign Investment and Trade Policy Division The Treasury PARKES ACT 2600 AUSTRALIA</i>

* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s

- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The ANCP whilst having a ‘monopartite’ structure actively engages with other Australian Government Agencies where expert advice on particular issues may be required. Any reorganization of the ANCP responsibilities is a matter for the Australian Government to consider.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

The small number of cases received by the ANCP since 2000 has been managed effectively with expert advice being sought and utilised where required.

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

- Stakeholder meetings/exchanges of information are held from time to time with interested parties.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

- The ANCP has regular contact with a wide range of Australian Government Agencies in relation to improving (and publicising) corporate social responsibility. The ANCP is not responsible for coordinating Australian Government activities relating to responsible business conduct.

<p>6. <i>“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”</i> (Council Decision, I.4).</p> <ul style="list-style-type: none"> • Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.
<ul style="list-style-type: none"> • 1’ No • 2 No

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes. www.ausncp.gov.au
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The latest Guidelines are available in English on the ANCP website. In addition over 500 printed copies have been circulated to: businesses, academics, non-government organisations and Australia’s missions overseas.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes in English
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No

8.	<p><i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>The ANCP and staff have attended seminars and workshops over the reporting period and making appropriate presentations. The ANCP has a communications strategy which it is putting in place.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Yes the ANCP and staff have participated in seminars and workshops over the reporting period.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>Copies of Guidelines have been made available to peak business bodies, peak union bodies and others. All proposals by foreign investors which are required to seek agreement of the Australian Government are provided with advice regarding obligations under the Guidelines.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>Copies of the Guidelines have been made available to Australian Government Agencies who the ANCP regularly liaises with. The ANCP and/or staff meet with other agencies with responsibilities for other corporate social responsibility programs.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,...) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>Copies of the Guidelines are made available to all such agencies within the Australian</p>

	Government and there is liaison between Agencies as required.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	Copies of the Guidelines are made available to all Australian overseas embassies and high commissions.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	The ANCP has contact with non-government actors who may have an interest/ responsibility for CSR activities - this falls within the overarching goal of raising awareness of the requirements for CSR by multinational enterprises.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	N/A

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	Yes. English. Available at www.ausncp.gov.au
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	No, it is not envisaged at this time that the procedure for managing specific instance complaints will change. This procedure has been published and allows for flexible consideration as required.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.	
<i>Sector and Country</i>	(1) Minerals exploration in Argentina; (2) mining in Chile
<i>Date complaint received</i>	(1) June 2011 and (2) January 2012
<i>Complainant/s</i>	(1) NGO; and (2) a small business concern
<i>Name of Complainant/s</i>	(1) (2) N/A
<i>Industry sector¹</i>	(1) Mineral exploration and (2) mining.
<i>Name of Enterprise/s</i>	N/A
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	(1) Chapter 2, 3 and 5 ; (2) Chapter 2
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>	
<i>Both Specific instances were transferred to other NCP's (1) to Argentine NCP within two months of receipt of complaint and (2) within one month of receipt of complaint. These matters were transferred in accordance with the Guidelines which state: 'Generally, issues will be dealt by the NCP in whose country the issue has arisen. Among adhering countries, such issues will first be discussed on the national level and, where appropriate, pursued at the bilateral level' (2011, p.78). This procedural guidance was followed. A statement transferring each of the specific instance matters was made and posted on the ANCP website www.ausncp.gov.au</i>	

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	See above
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	See above
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	See above
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>As noted above following discussion with other relevant NCP's both complaints were transferred to other NCP's and a final statement circulated to all parties and posted to ANCP website www.ausncp.gov.au</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	N/A
b.	<p>In what form has the NCP provided its good offices?</p>
	N/A

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	Both specific instance complaints involved dual Australian and UK listed companies – the UK NCP was kept informed of transfer arrangements.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	See above
c.	Was a leader NCP identified?
	N/A
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	N/A

<i>E. Timeframe</i>	
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)?
	N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	(1) no and (2) yes
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Contact was made with the Australian ‘parent’ company advising that the matter was to be transferred to the NCP of the country where the subject of the complaint was.

d.	Would the NCP care to contribute additional information about the specific instances considered?
	No

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Yes
b.	What proactive agenda issues deserve particular attention in your country?
	N/A

13. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	Not at this time

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	No

15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	
	N/A

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
	The <i>Guidance</i> has been circulated to other Australian Government Agencies and peak business associations.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	N/A
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	N/A

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	Yes – reference to this Tool has been included in the ANCP website – www.ancp.gov.au since 2006
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

AUSTRIA / AUTRICHE

General Introduction

In line with its commitments as a member of the OECD and an adherent to the OECD Guidelines for Multinational Enterprises, Austria has set up a National Contact Point (NCP) "*to further the effectiveness of the Guidelines (...)*".

A. *Institutional Arrangements*

General Information about the choice of structure of the Austrian NCP

Following the 2011 update of the Guidelines a wide consultation process on the future organization of the Austrian NCP involving all relevant institutions, social partners and stakeholders was launched. As a result of this process, a new unit was created within the Federal Ministry of Economy, Family and Youth (BMWFJ) and took over the functions of the Austrian NCP on March 1st 2012.

In addition, the former NCP Advisory Committee was reorganized. The new NCP Steering Committee is chaired by a senior official of the BMWFJ and includes representatives of the Federal Chancellery, the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Federal Ministry for European and International Affairs, the Federal Ministry of Finance, the Austrian Federal Chamber of Labour, the Austrian Trade Union Federation, the Federation of Austrian Industries, the Austrian Federal Economic Chamber, the Austrian Chamber of Agriculture, an Austrian-based member organization of OECD Watch as well as one external expert in the field of extrajudicial dispute resolution. It held its constituting session on May 3rd 2012.

Both the Austrian NCP and the NCP Steering Committee were given new terms of reference ("Geschäftsordnung"), which are available at the NCP's website www.oecd-leitsaetze.at. English versions are under preparation.

Contact details:

Mailing address: Österreichischer Nationaler Kontaktpunkt für die OECD-Leitsätze für Multinationale Unternehmen

Referat C2/4a

Bundesministerium für Wirtschaft, Familie und Jugend (BMWFJ)

Stubenring 1

1011 Wien, Österreich/Austria

Phone number: +43 1 71100 8316 or 5050

Fax number: +43 1 7 1100 93 8316 or 5050

E-Mail address: NCP-Austria@bmwfj.gv.at

Website: www.OECD-Leitsaetze.at

providing an effective base of dealing with a broad range of issues covered by the Guidelines in an impartial manner while maintaining an adequate level of accountability

The Austrian NCP is located at the Directorate General for Foreign Trade Policy and European Integration of the BMWFJ. Being an official unit of the ministry, all laws and regulations providing for the impartiality, accountability and liability of members of the Austrian civil service apply.

Development and maintenance of cooperation with relevant stakeholders (e.g. worker organizations, interested parties and the business community)

Through the creation of the NCP Steering Committee the involvement of all relevant stakeholders is ensured. The Steering Committee's task is to assist and advise the NCP.

Relations with OECD partner organizations

The Austrian NCP has established Guidelines-related contacts with the International Labour Organization, the European Commission and participated in United Nations' activities on CSR, Human and Business Rights.

Human and financial resources of the Austrian NCP

The Austrian NCP currently consists of one person. As a unit of BMWFJ it has full access to the ministry's infrastructure and support functions. Provisions for the necessary financial resources have been included in the ministry's budget. For promotional activities the Austrian NPC co-operates with a number of partner institutions.

B. Information and Promotion

Website and available documents

The Austrian NCP's website is www.oecd-leitsaetze.at. It provides German and English versions of the Guidelines and basic information regarding the Guidelines and the Austrian NCP. An update and upgrade is under way.

English and German printed versions of the Guidelines are available free of charge. An information brochure is being prepared.

Reporting Activities

According to the new terms of reference the Austrian NCP is reporting on its activities to the Steering Committee on a regular basis. The Steering Committee is "evaluating the activities of the Austrian NCP in particular regarding their conformity with the terms of reference and with the core criteria laid out in the Procedural Guidance".

Awareness raising, networking and cooperation with other stakeholders (e.g. individuals, business community; unions, federations, government entities and NGOs)

The Austrian NCP maintains regular contacts with relevant stakeholders, in particular those represented in the Steering Committee, and cooperates with them in awareness raising activities such as publications, workshops, etc.. Efforts to deepen and broaden these efforts are underway.

Conferences, meetings and seminars to promote the Guidelines

The update of the Guidelines was a major topic of the 2011 Austrian CSR Day on September 20th 2011. Besides, the updated Guidelines were presented in a number of presentations/seminars/workshops.

Good working relationships have been established with the German and Swiss NCP. The first formal meeting of the three NCPs took place in Vienna on September 30th 2011; a second one is under preparation.

A two-day international workshop on mediation aspects is planned, in cooperation with the Dutch NCP, for the second half of 2012.

Enquiries

In the reporting period no enquiries that went beyond requests for free copies of the Guidelines have been received.

C. Implementation in Specific Instances

General information on NCP Procedures

The terms of reference of the Austrian NCP, available at the NCP's website, include detailed procedural guidance for how to handle specific instances and the involvement of the Steering Committee.

Specific Instances during the Reporting Period

In the reporting period no specific instances were raised.

D. Weak Governance Zones and conflict-affected and High Risk Areas

The website of the Austrian NCP provides links to the Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones and the Due Diligence Guidance for Responsible Chains of Minerals from Conflict-Affected and High Risk Areas.

BELGIUM / BELGIQUE

A. Organisation institutionnelle

Emplacement gouvernemental du PCN : SPF Economie

Structure du PCN : tripartite

Composition du PCN :

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)

Organe de conseil : non

Organe de surveillance : non

Coordonnées : PCN –Rue du Progrès 50, 1210 Bruxelles

e-mail : colette.vanstraelen@mineco.fgov.be

Dès sa création en 1980, le PCN a été doté d'une structure tripartite afin d'associer les partenaires intéressés par un bon fonctionnement du PCN. Les différents services publics fédéraux concernés par les principes directeurs y sont représentés, ainsi que les régions, en conséquence de la structure de l'Etat belge. Cela permet de rassembler l'expertise nécessaire et favorise la cohérence de la politique.

Un autre avantage de cette composition est la présence d'un large éventail de domaines de connaissance. La large base d'appui facilite en outre le maintien de l'impartialité. Le PCN est un organe au sein duquel les décisions sont prises par consensus.

Plusieurs réunions du PCN ont eu lieu l'année dernière, traitant entre autres de l'interprétation des directives, des méthodes de promotion et de la contribution potentielle de chaque membre. Il est évident que la communication est également ouverte aux autres stakeholders, mais aucune initiative formelle n'a encore été prise.

Il va de soi que l'on tend vers une cohérence optimale de la politique, en collaborant autant que possible avec les autres instruments. Vu la diversité des instruments, il s'agit d'un défi complexe.

Un renforcement du PCN est actuellement à l'étude. Il s'agit d'une nécessité absolue. Le contexte économique et le climat budgétaire actuels ne facilitent par ailleurs pas ce projet.

B. Information et Promotion

Le PCN belge dispose d'un site web disponible à l'intérieur comme à l'extérieur du SPF Economie : www.oecd-guidelines.fgov.be.

Les nouveaux principes directeurs sont traduits en néerlandais grâce aux collègues néerlandais et figurent actuellement sur le site web. Un nombre limité d'exemplaires de cette version complète sera imprimé.

Notre moyen de communication privilégié est un dépliant qui reprend les informations principales et un renvoi vers le site web.

Le rapport annuel sera placé sur le site web, en néerlandais et en français. Une version anglaise et une version allemande suivront éventuellement.

Le rapport annuel est également envoyé aux Présidents du Parlement (Chambre et Sénat) et aux Présidents des parlements régionaux.

A l'heure actuelle, le PCN n'a pas encore effectué d'enquête concernant la connaissance des principes directeurs de l'OCDE.

Le PCN a établi un plan de promotion et de communication, qu'il exécutera et adaptera si nécessaire. Le PCN participe ainsi aux séminaires organisés sur la responsabilité sociale des entreprises, et ce via divers canaux. En outre, le PCN organisera lui-même un séminaire à ce sujet à la fin du mois de juin.

Clairement, l'avantage d'une organisation tripartite est que chaque membre du PCN a sa propre tâche en matière de promotion. Les différentes organisations publient ainsi des articles dans leurs canaux de communication vers leurs membres.

Les membres du PCN appartenant aux départements fédéraux ont ainsi pour mission de promouvoir les principes directeurs de l'OCDE non seulement au sein de leur département mais aussi auprès de leurs

contacts externes. Il en va de même pour nos membres régionaux, qui organisent régulièrement des événements concernant la responsabilité sociale des entreprises.

Il existe une collaboration étroite avec les autres agences étant donné que le secrétaire du PCN est chargé du suivi de la problématique des exportations/investissements. L'organisme national d'assurance-crédit, ONDD, prévoit au moment de l'introduction de la demande un formulaire que les entreprises signent et qui atteste qu'elles ont pris connaissance des principes directeurs de l'OCDE pour les entreprises multinationales, en plus d'autres instruments de RSE. En outre, une coopération étroite entre le secrétariat du PCN et l'ONDD permet d'éviter que leurs projets, qu'ils concernent des investissements ou d'importantes exportations (qui constituent des investissements dans les pays hôtes), soient déjà clairement contraires aux principes directeurs de l'OCDE.

Jusqu'à aujourd'hui, les ambassades n'étaient pas systématiquement informées des principes directeurs de l'OCDE. Mais une communication destinée à toutes les ambassades est en préparation afin d'attirer leur attention sur la problématique sur place.

Jusqu'ici, il y a eu peu de questions sur les principes directeurs modernisés de l'OCDE pour les entreprises multinationales.

C. Mise en œuvre dans des circonstances spécifiques

Les procédures de traitement des dossiers sont fixées par le règlement intérieur, qui a été adapté à la suite de la révision des principes directeurs de l'OCDE puis placé sur le site web.

Dossier spécifique : dans un dossier de décembre 2010, le PCN français a été désigné leader car les activités de ce groupe étaient entièrement dirigées depuis la France. La filiale belge n'était qu'un véhicule financier de ce groupe. Nous avons demandé au PCN français de nous tenir informés de l'évolution du dossier.

Nouveau dossier :

Secteur et pays : exploitation minière – RD Congo

Date de réception de la plainte : 4 avril 2012 par mail.

Plaignants : groupe d'ONG

Nom des plaignants : Action contre impunité pour les droits humains (ACIDH), Raid, la Fédération internationale des ligues des droits de l'Homme (FIDH) et ses organismes membres en Belgique et en République démocratique du Congo.

Secteur industriel : minier

Nom de l'entreprise : Groupe George Forrest International

Chapitres pertinents : chapitres II, IV,

Evaluation initiale : aura lieu en mai ou début juin.

L'ancien dossier est traité par le PCN français.

Le nouveau dossier n'en est qu'à sa phase de démarrage et nous ne pourrons dès lors répondre aux questions que l'année prochaine.

En ce qui concerne l'ancien dossier, il est difficile de garantir une bonne coordination entre les PCN et de savoir qui participe à quoi et à quel moment. L'expérience pratique peut ici aider à rendre les règles un peu plus claires.

D. Autres problèmes de mise en œuvre

Vu la composition tripartite du PCN, les thèmes relevant de « l'ordre du jour proactif » ont déjà été évoqués au sein de cet organe. Nous en parlerons également avec les autres stakeholders pendant le séminaire.

En ce qui concerne l'apprentissage collégial (« peer learning »), il est clair que peu d'activités ont encore été mises sur pied et que cela jouera peut-être un rôle important dans le futur.

Comme déjà signalé, notre pays souhaite participer à l'examen collégial volontaire (« voluntary peer review »), non pas l'année prochaine mais bien celle d'après.

E. Zones à déficit de gouvernance et zones de conflit ou à haut risque

Cet outil de devoir de diligence sera évoqué lors du séminaire organisé fin juin. Le SPF Affaires étrangères et Coopération au Développement est également concerné.

Aucun plan d'action n'a encore été élaboré dans ce cadre.

L'outil de sensibilisation au risque est en outre diffusé via le site web mais il n'y a pour l'instant aucune notion de son utilisation.

BRAZIL / BRÉSIL

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Finance of Brazil	Interagency: composed of representatives of nine Ministries and the Central Bank, under the coordination of the Secretariat for International Affairs of the Ministry of Finance	Interministerial body composed of 9 ministries and the Central Bank <ul style="list-style-type: none"> - Ministry of Finance - Ministry of Foreign Affairs - Ministry of Labour and Employment - Ministry of Planning, Budget and Management - Ministry of Justice - Ministry of the Environment - Ministry of Science and Technology - Ministry of Development, Industry and Trade - Ministry of Agriculture - Brazilian Central Bank 			Brazilian National Contact Point Coordination – Secretariat for International Affairs, Ministry of Finance Address: Esplanada dos Ministérios, Bloco P, sala 223 70079-900 – Brasília/DF – Brazil Tel: +55 (61) 3412-1910 Fax: +55 (61) 3412-1722 E-mail: pcn.ocde@fazenda.gov.br Website: http://www.fazenda.gov.br/sain/pcn/index.asp

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The fact that the NCP in Brazil has a widespread representation among government entities enables the Group to count with specialized feedback in all relevant areas covered by the Guidelines. At the same time, this structure increases awareness on corporate social responsibility issues among a wider array of Governmental bodies.

A proposal regarding the restructuring of the Brazilian NCP is underway. The proposal would include the removal of the Ministry of Agriculture from the Inter-ministerial Group and the inclusion of the Office of the Comptroller General and the Secretariat for Human Rights.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP *“provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government”* (Procedural Guidance, I.A.1)

The Brazilian NCP composition seeks to cover the broad range of the Guidelines themes, allowing technical Ministries to analyze issues related to their respective chapter. When a complaint arrives, the Inter-ministerial Group decides within its members who would be leading the examination, according to the main issue under question. The procedures for examining inobservance allegations ensures that all parties involved have an opportunity to present their views.

4. *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The updating of the NCP's procedures, including the procedures to deal with specific instances, following the Guidelines Review was discussed with stakeholders. Stakeholders were invited to comment on the proposals and send their suggestions in writing, which were incorporated, to a large extent, in the final text.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The NCP itself, by its composition, establishes a broad network on CSR within the Brazilian government., allowing for exchange of information and communication of CSR activities.

6. “Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.” (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP?
Are changes contemplated for the future? Please elaborate as appropriate.

No change is envisaged at this point.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes. http://www.fazenda.gov.br/sain/pcn/index.asp
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes, the Guidelines are translated in Portuguese. They are available at the NCP website: http://www.fazenda.gov.br/sain/pcn/PCN/diretrizes.asp
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No. This possibility is under consideration in the context of the reorganization of the NCP webpage underway.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The Brazilian NCP, as a permanent body based in the Ministry of Finance, reports its activities in the Annual Report of the Secretariat for International Affairs of the Ministry of Finance.
f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No.

8.	<p><i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>The Brazilian NCP promotes the Guidelines and its procedures by the dedicated website and participating in related events, mostly organized by stakeholders.</p> <p>Our plan is to organize one annual Guidelines event every year aiming at the promotion of the guidelines and the dialogue with the stakeholders.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>In February 2012, the Brazilian NCP participated of a Seminar organized by CUT (Central Única dos Trabalhadores, one of the Brazilian national workers unions confederations). The NCP Coordinator made a presentation about the Guidelines and its 2011 revision, about the NCP Inter-ministerial Group and its current restructuring (composition, institutionalization, procedures) and a brief presentation about the OECD meetings on the Guidelines and the OCDE partners (TUAC, BIAC, OECD Watch).</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The Brazilian NCP engaged with the business community, worker organisations and non-governmental organisations with the purpose of making a consultation on the new procedures for the examination of specific instances.</p> <p>In February, the NCP participated of a Seminar organized by a national workers union organization. In June, the NCP will participate in a Conference organized by a national non-governmental organisation. Both events have the objective to disseminate the Guidelines and the NCP work.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>Each body of the Inter-ministerial Group of the NCP is responsible to promote the respective chapter of the OCDE Guidelines within its activities.</p>

e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>The NCP is currently not actively engaged with such state entities.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>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. However, Brazil has not promoted the Guidelines through its diplomatic network in the period under consideration.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</p>
	<p>The Brazilian NCP has a close relationship with the GRI and the Secretary for International Affairs of the Ministry of Finance, under whose wuthority the Brazilian NCP operates, is presently a member of the GRI Governmental Advisory Group. The coordination of Brazilian participation in the ILO Conventions, the ILO Tripartite Declaration and the UN Global Compact is the Ministry of External Relations, who is a member of the NCP.</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</p>
	<p>In August 2011, the Brazilian NCP received an inquiry from a French human rights researcher regarding complaints and the NCP's procedures to deal with them. The student sent a set of questions that were answered by the NCP Coordinator by e-mail.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9.	<i>“NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”.</i> ((Procedural Guidance, Commentary, I.15)
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	In 2007, the Brazilian NCP established the procedures for handling complaints. They are available in the NCP website, only in Portuguese at http://www.fazenda.gov.br/sain/pcn/PCN/resolucoes.asp .
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	In 2011, the NCP decided to update the 2007 procedures for handling complaints, regarding the timeframe, disclosure and publicity. At the NCP website there is a link for the new version of the procedures that will be released soon.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<p>1. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.</p>		
<i>Sector and Country</i>	Banking sector in Brazil	
<i>Date complaint received</i>	22/09/2009	
<i>Complainant/s</i>	Trade Unions	
<i>Name of Complainant/s</i>	Sindicato dos Bancários e Financeiros de São Paulo, Osasco e Região, Federação dos Trabalhadores em Empresas de Crédito do Estado de São Paulo (FETEC/SP-CUT), Confederação Nacional dos Trabalhadores do Ramo Financeiro (CONTRAF/CUT) and Central Única dos Trabalhadores (CUT)	
<i>Industry sector</i> ¹²	J - Financial intermediation	
<i>Name of Enterprise/s</i>	The name will remain confidential until a later stage in the process.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter IV (Employment and Industrial Relations), 7 and 8 (regarding de 2000 Guidelines)	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<i>Initial Assessment*</i>	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i>
From 22/09/2009 to 22/06/2010	From 22/06/2010 to nowadays	Not concluded
*From specific instance received to it being accepted or rejected.	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final Statement issued.

12

Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>		<i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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2. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	The complainants complain that the company sent a communication to each of its branches instructing them to order all the employees to “come to work as usual” during the time of the strikes.
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	There is no parallel proceedings.
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	The specific instance was accepted by the Brazilian NCP.
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	Yes. A report was released at the date of acceptance of the specific instance. It was sent to the complainants and made public at the NCP website.

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>

	There was no conciliation or mediation until the moment of answering this questionnaire.
b.	In what form has the NCP provided its good offices?
	The NCP made exchange of information among the parties.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	No agreement was reached so far.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please

	specify.
	No. The specific instance concerns only Brazil's jurisdiction.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Only the Brazilian NCP was involved because the multinational bank was a Brazilian bank.
c.	Was a leader NCP identified?
	Only the Brazilian NCP was involved.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

E. Timeframe

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)?
	The proceedings are still going on.

F. Other

a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Not applicable.
d.	Would the NCP care to contribute additional information about the specific instances considered?

Specific Instances during the Reporting Period
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Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.	
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<i>Date complaint received</i>	22/09/2009
<i>Complainant/s</i>	Trade Unions
<i>Name of Complainant/s</i>	Sindicato dos Bancários e Financeiros de São Paulo, Osasco e Região, Federação dos Trabalhadores em Empresas de Crédito do Estado de São Paulo (FETEC/SP-CUT), Confederação Nacional dos Trabalhadores do Ramo Financeiro (CONTRAF/CUT) and Central Única dos Trabalhadores (CUT)
<i>Industry sector¹³</i>	J - Financial intermediation
<i>Name of Enterprise/s</i>	The name will remain confidential until a later stage in the process.
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter I (Concepts and Principles), 7; Chapter IV (Employment and Industrial Relations), 8 (regarding de 2000 Guidelines)
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>	

¹³ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>Initial Assessment*</i> From 22/09/2009 to 22/06/2010</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> From 22/06/2010 to nowadays</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> Not concluded</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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1. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>The complainants complain that the company used legal loopholes to prevent the presence of union leaders at the bank agencies.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>Yes. The multinational bank requested judicially a prohibitory interdict in order to prevent the access of the union leaders at the bank's agencies.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>The specific instance was accepted by the Brazilian NCP.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

	<p>Yes. A report was released at the date of acceptance of the specific instance. It was sent to the parties involved and made public at the NCP website.</p>
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<p><i>B. Assistance to the parties</i></p>	
<p>a.</p>	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<p>There was no conciliation or mediation as of yet.</p>
<p>b.</p>	<p>In what form has the NCP provided its good offices?</p>
	<p>The NCP made exchange of information among the parties.</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	No agreement has been reached yet.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No. The specific instance concerns only Brazil`s jurisdiction.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

	The Brazilian NCP sent a communication to the Spanish NCP in order to inform them about the complaint.
c.	Was a leader NCP identified?
	Only the Brazilian NCP was involved.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?
	The proceedings are still going on.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Not applicable.
d.	Would the NCP care to contribute additional information about the specific instances considered?

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

2. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.

<i>Sector and Country</i>	Chemical Sector in Brazil	
<i>Date complaint received</i>	19/04/2010	
<i>Complainant/s</i>	Trade Unions	
<i>Name of Complainant/s</i>	Sindicatos componentes da Rede Sindical BASF and Central Única dos Trabalhadores (CUT)	
<i>Industry sector¹</i>	D - Manufacturing	
<i>Name of Enterprise/s</i>	BASF Construction Chemicals	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter IV (Employment and Industrial Relations), 7 and 8	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i>	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i>
From 17/04/2010 to 22/06/2010	From 22/06/2010 to 28/08/2011	From 28/08/2011 to 12/04/2012
*From specific instance received to it being accepted or rejected.	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>		<p>Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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3. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<p><i>A. Initial Assessment</i></p>	
<p>a.</p>	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>The complainants complain that the company avoided dialogue between the workers union and the company in the case of a dismissal of an employee and used legal loopholes to prevent the presence of union leaders at the enterprise.</p>
<p>b.</p>	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>Yes. The multinational company judicially requested a prohibitory interdict in order to prevent the access of the union leader at the enterprise.</p>
<p>c.</p>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>The specific instance was accepted.</p>
<p>d.</p>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>Yes. A report was released at the date of acceptance of the specific instance. It was sent to the concerned parties and made public at the NCP website.</p>

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	There was no conciliation or mediation.
b.	In what form has the NCP provided its good offices?
	The NCP made exchange of information among the parties.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Yes. The parties, by themselves, reached an agreement on the issue.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	The NCP made public a statement about the conclusion of the proceedings describing the results and the agreement.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	Since an agreement was reached, there was no need for recommendations.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	The statement is available in Portuguese only at the NCP website.
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	No.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

	No.
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<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No. The specific instance concerned the Brazilian jurisdiction.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The German NCP was informed about the complaint.
c.	Was a leader NCP identified?
	Not applicable.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?
	The procedure had a length of 2 years. Initial Assessment – about 2 months (From 17/04/2010 to 22/06/2010) Assistance to Parties– about 14 months (From 22/06/2010 to 28/08/2011) Conclusion of the procedures – about 8 months (From 28/08/2011 to 12/04/2012)

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No.

b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	No. However, the parent company liaised with the German NCP in order explain the facts.
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

10. Proactive Agenda - <i>In accordance with the Investment Committee “s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Please see answer to 8a. above
b.	What proactive agenda issues deserve particular attention in your country?
	In the covered period the main issue discussed with stakeholders was the revision of the procedures for inobservance allegations (complaints).

11. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	It would be more convenient to have the new revised guidelines in place and fully operating before considering participation in any such exercise. Given that the Brazilian NCP is undergoing a reformulation and that the procedures for dealing with specific instances were recently updated, it would be convenient to proceed with an exercise of this kind within a period of more than twelve months.

12. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	Given the concentration of efforts on the negotiation of the revised guidelines and the consequent reformulation of NCP composition and the procedures for dealing with specific instances, the examination of a number of inobservance allegations had to be postponed.

13.	Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.
	The Brazilian NCP has just started implementing its new revised procedures for inobservance allegations regarding the revised Guidelines and will apply it to a number of allegations during the 2012-13 cycle.

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
	In Brazil, the bodies involved with the <i>Guidance</i> are the Ministry of Foreign Affairs and the Ministry of Mines and Energy.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

CANADA

A. INSTITUTIONAL ARRANGEMENTS

- The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
The NCP is an interdepartmental committee composed of eight departments chaired by the Department of Foreign Affairs and International Trade (DFAIT) and co-chaired by the Department of Natural Resources at the Director-General level. The Secretariat of the NCP is located in the International Trade Portfolio and Responsible Business Conduct Division, of DFAIT.	Interagency	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			Canada's National Contact Point (BTS) 125 Sussex Drive Ottawa, ON Canada K1A 0G2 E-mail: ncp.pcn@international.gc.ca Tel: (613) 996-0245

		(CIDA), and Aboriginal Affairs and Northern Development Canada (AANDC)			
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* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

- What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

Each of the eight member departments has a degree of expertise in their respective areas of responsibility. Each department is thus able to contribute their expertise and views during consultations. The Canadian NCP believes the fulfilling of its mandate and the quality of its work is enhanced by including relevant departments in its institutional structure.

- Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

Each of the eight member departments is a full participant in the meetings and discussions on every subject on the NCP’s agenda and work plan. The Canadian NCP operates by seeking to build consensus. Thus, the positions adopted by the NCP never reflect strictly one department’s view. The views of all eight departments are taken into account and by ensuring their presence and participation at the table, the process is efficient and accountable.

- *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

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 industry associations and domestic and international NGOs.

The Canadian NCP has been actively engaged in the implementation of the updated Guidelines since their adoption on May 25, 2011. The NCP’s first “information session for stakeholders” was held on October 27, 2011. Approximately twenty-five representatives of the NCP’s social partners, as well as the NGO, academia and business communities attended. On November 1, 2011, the NCP’s Chair, Secretariat, as well as representatives from the Department of Human Resources and Skills Development participated in a webinar presentation hosted by the Canadian Labour Congress (CLC). Approximately 20 CLC members participated from across the country.

The Chair of the NCP spoke on May 4, 2012, about the Guidelines and the NCP’s experience at a public seminar at the Institute for the Study of Corporate Social Responsibility at Ryerson University, in partnership with the Office of the Extractive Sector CSR Counsellor.

- Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

Yes, the Canadian NCP does coordinate with related government activities on responsible business conduct. Members of the NCP are also involved in other overlapping Corporate Social Responsibility (CSR) committees and initiatives. As such, opportunities for simultaneous promotion and the sharing of information are always identified and leveraged where possible.

- *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The Chair and the Secretariat for the NCP are provided by the Department of Foreign Affairs and International Trade (DFAIT). The new provision has not affected the human resources and budget arrangements for the NCP.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

<ul style="list-style-type: none"> • <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i> 	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes, the Canadian NCP website may be accessed at: www.ncp.gc.ca (English) www.pcn.gc.ca (French)
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Links are provided from the Canadian NCP’s website to the Guidelines on the OECD website.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes, the Canadian NCP’s annual report is available on the NCP website in both English and French.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	The NCP has provided stakeholders and other interested parties with the link to the website to access the annual report.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The NCP provides regular status reports, updates and briefings to the Office of the Minister of International Trade and the other member Departments’ Ministers offices, as required.

f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	While the NCP itself has not conducted such a survey, the CSR Unit of DFAIT conducted such a survey of companies in early in 2012 regarding their awareness and implementation of several CSR standards, including the OECD Guidelines for MNEs. NRCan is presently conducting research on CSR which includes data related to knowledge of the OECD Guidelines by Canadian extractive industries working abroad.

	<ul style="list-style-type: none"> • <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p>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.</p> <p>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 Canada's leadership in this sector, and ensuring that Canadian businesses contribute positively to the broader social, environmental, and economic objectives of the countries and 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.</p> <p>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.</p> <p>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</p>

	<p>and the NCP. These fora include:</p> <ul style="list-style-type: none"> - the annual Prospectors and Developers Association of Canada International Convention; - the inaugural meeting of the Industry Association Sustainability Council, March 2012; - workshops and information sessions for heads of missions and trade commissioners; - CSR workshops and conferences in various parts of the world; - international multistakeholder venues, including at the UN; - international fora, such as the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development; - the Inter-American Development Bank Annual Meeting and Business Forum; - presentations to visiting delegations; and, - internal training, workshop and seminars. <p>The NCP has also had a series of CSR-related articles published in the DFAIT CanadExport newsletter designed for Canadian exporters, including one on the OECD Guidelines and the NCP.</p> <p>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 <i>Bullding the Canadian Advantage</i>, the Government of Canada CSR Strategy. Furthermore, several departments, including DFAIT and IC, have websites that make specific reference to the OECD Guidelines.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Please see the answers to questions 4 and 8.a. above.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>Please see the answers to questions 4 and 8.a. above.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>Please see the answer to question 8.a. above.</p> <p>Some departments also have CSR specific wikis for internal purposes and the OECD Guidelines are noted there. As well, Sustainability Intelligence Profiles developed on a company-by-company basis for internal use also noted which standards/codes of conduct are adopted by companies.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>

	<p>Export Development Canada (EDC) is the export credit agency of Canada. It is not a member of the NCP. However, the NCP routinely liaises with EDC regarding matters involving CSR. EDC also participates regularly in inter-departmental CSR meetings.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>Please see the answer to question 8.a. above.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</p>
	<p>Yes, the NCP does relate to the OECD partner organizations and other leading CSR instruments. Members of the Canadian NCP from various ministries are often involved in various CSR files from their respective ministry's jurisdiction. Thus, the Canadian NCP representative from the Ministry of Human Resources and Skills Development Canada (HRSDC) is engaged and monitors developments relating to the ILO, ILO Conventions, and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy. Similarly, the representatives from Industry Canada and NRCan were actively engaged in the development of the ISO 26000 standards, and the Industry Canada representative monitors developments relating to the Global Reporting Initiative. Furthermore, the Government of Canada CSR Strategy specifically targets the OECD Guideline for Multinational Enterprises, the Voluntary Principles on Security and Human Rights, the IFC Performance Standards and the Global Reporting initiative as standards to be promoted by government and used by Canadian extractive industries working abroad.</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</p>
	<p>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.</p> <p>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.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<ul style="list-style-type: none"> “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15) 	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	The Canadian NCP has created a Procedures Guide and made it available on the NCP website in both English and French.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Yes, the Canadian NCP Procedures Guide was updated following the 2011 changes to the Guidelines in order to reflect the new provisions in the Procedural Guidance Chapter and Commentaries.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<ul style="list-style-type: none"> Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period. 		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies),1-3; Chapter VI (Environment), 6	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognized that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p><i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i></p> <p><i>*From specific instance received to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i></p> <p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i></p> <p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

The Canadian NCP is currently dealing with two specific instances.

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

The Canadian NCP has also consulted and liaised with other NCPs in which another NCP has the lead in dealing with the particular specific instance.

<i>Sector and Country</i>	Gold mining. Papua New Guinea	
<i>Date complaint received</i>	3/3/2011	
<i>Complainant/s</i>	NGO/Community Organizations	
<i>Name of Complainant/s</i>	MiningWatch Canada; Akali Tange Association; Porgera Landowners Association.	
<i>Industry sector²</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Barrick Gold Corporation	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II. General Policies, 1, 2, 5, 6, 7, 8, 11 Chapter III. Disclosure. 1, 5 Chapter V. Environment. Preamble, 1.a., 2.a., 4	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 01/03/2011 to 19/08/2011 *From specific instance received to it being accepted or rejected. Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)	<i>Assistance to Parties*</i> From 19/08/2011 to the present. *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> Not yet applicable. * From Conclusion of the procedures to NCP Final Statement issued. The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)

- For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

² Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>Information relating to a specific instance is generally obtained from the parties. Open source information may also be obtained by the NCP.</p> <p>The practical issues that arise in the initial assessment of a specific instance vary on a case by case basis. These may involve the challenge of delays when waiting for a party to provide certain information. The Canadian NCP will generally not finalize an initial assessment before receiving a reply from the MNE involved. Depending on the complexity of the specific instance and the comprehensiveness of the reply, it may take a while to get the MNE's reply. Further, when sharing the response from one party with another, there are cases where one party may wish to comment and provide a reply. While this helps to provide the NCP with a wider picture of the matter, it causes further delays. The NCP works to treat each specific instance in a timely manner. However, in some cases it has proved to be difficult to complete various phases in the recommended time frame.</p> <p>Confidentiality is often a concern that is raised by one party or another. There is occasionally a difference of opinion as to what should be considered confidential. NGOs filing such requests for review often post them on the internet simultaneously with their filing and at least one NGO publishes its own quarterly NCP case update newsletter. The latter is not an official NCP publication.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>There were no parallel proceedings that impacted the NCP's work.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>This initial assessment in the Porgera case was that the issues raised merited further examination.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>The initial assessment was provided to the parties by means of a letter. The Canadian NCP did not issue any public statement or report on the initial assessment.</p>

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Not applicable at the time of writing.
b.	In what form has the NCP provided its good offices?
	The NCP has offered its good offices in accordance with the provisions of the Procedural Guidance chapter of the OECD Guidelines. As in all such cases, the Canadian NCP offers to facilitate a dialogue between the parties with a view to assisting them to resolve the issues.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Not applicable at the time of writing.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	Not applicable at the time of writing.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	Not applicable at the time of writing.
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	Not applicable at the time of writing.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	Not applicable at the time of writing. However, our routine procedure is to post statements on the NCP website after providing them to the parties.
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	Not applicable at the time of writing.

g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	Not applicable at the time of writing.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No other NCP is involved.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Not applicable.
c.	Was a leader NCP identified?
	Not applicable.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Not applicable.

<i>E. Timeframe</i>	
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)?
	The initial assessment phase took five and a half months. The second phase (“good offices”) is ongoing.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes. Papua New Guinea.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No. The specific instance does not involve supply chains.

c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	Not applicable.

Sector and Country	Gold mining. Mongolia.	
Date complaint received	14/03/2012	
Complainant/s	NGOs	
Name of Complainant/s	United Mongolian Movement of Rivers and Lakes (UMMRL), Oyu Tolgoi Watch, MiningWatch Canada	
Industry sector ³	Mining and Quarrying (C)	
Name of Enterprise/s	Centerra Gold Inc.	
Relevant Chapter(s) and Paragraph(s) from Guidelines	<i>Chapter I. Concepts and Principles. 2</i> <i>Chapter II. General Policies. 5, 10, 11</i> <i>Chapter IV. Human Rights. 1</i> <i>Chapter VI. Environment. Preamble, 1, 2(a), 4</i>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
Initial Assessment*	Assistance to Parties*	Conclusion of the procedures*
From 14/03/2012 to present day	Not yet applicable.	Not yet applicable.
*From specific instance received to it being accepted or rejected.	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final Statement issued.

³ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>At the time of writing the NCP has shared the request for review with the company and received its reply. The NCP is currently conducting its initial assessment.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>Not applicable at the time of writing.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>Not applicable at the time of writing.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>Not applicable at the time of writing.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<p>Not applicable at the time of writing.</p>
b.	<p>In what form has the NCP provided its good offices?</p>
	<p>Not applicable at the time of writing.</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Not applicable at the time of writing.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	Not applicable at the time of writing.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	Not applicable at the time of writing.
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	Not applicable at the time of writing.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	Not applicable at the time of writing.
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	Not applicable at the time of writing.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	Not applicable at the time of writing.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No other NCP is involved in the Mongolia specific instance.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Not applicable.

c.	Was a leader NCP identified?
	Not applicable.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Not applicable.

<i>E. Timeframe</i>	
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)?
	The initial assessment phase is ongoing.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes. Mongolia.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No. The specific instances do not involve supply chains.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	Not applicable.

The Canadian NCP has also been involved this year in four specific instances in which four separate NCPs of other countries have had the lead.

1. Zambia – Glencore International AG/First Quantum Minerals Ltd. (Economic Activity: C Mining)

On April 11, 2011, the NCP received a request for review submitted by two NGOs in relation to the operations of Mopani Copper Mines Plc., a company in Zambia which is in turn owned by Glencore International AG (a Swiss company) and First Quantum Minerals Ltd. (a Canadian company). The request for review was also sent to the NCP of Switzerland. Following consultations between the Canadian NCP and the Swiss NCP it was agreed that the Swiss NCP would take the lead in the matter. The Swiss NCP have been consulting with the Canadian NCP and keeping it informed of developments.

2. Canada – Accor (Economic Activity: H Hotels)

On July 4, 2011, the Canadian NCP was contacted by the French NCP with respect to a request for review the French NCP had received on November 8, 2010, relating to the operations of a French company in Canada. The French NCP asked the Canadian NCP whether it had been involved in the resolution of the case as well as the status of parallel proceedings in Canada. The Canadian NCP replied to the French NCP on July 18, 2011, indicating that it had not been involved in the treatment of the case.

The Canadian NCP provided a status report on the state of the parallel proceedings in Canada but has otherwise not been involved with this specific instance as the French NCP has continued to have the lead.

3. Canada – Statoil ASA (Economic Activity: C Oil)

On December 7, 2011, the Canadian NCP was contacted by the Norwegian NCP with respect to a request for review the Norwegian NCP had received on November 28, 2011, relating to the operations of Statoil ASA, a Norwegian MNE in the Alberta oilsands of Canada. The two NCPs agreed that the Norwegian NCP should have the lead. The Norwegian NCP consulted with the Canadian NCP on the initial assessment of the request for review.

4. Argentina – Barrick Gold Corporation (Economic Activity: C Mining)

Late in 2011 the Canadian NCP learned that the Argentinean NCP had received a request for review on June 9, 2011, relating to a mining project in Argentina that involved Barrick Gold Corporation, a Canadian MNE. In December, 2011, the Canadian NCP contacted the Argentinean NCP to inquire as to the status of the request for review. The Argentinean NCP replied that they were conducting an initial assessment and would keep the Canadian NCP informed.

D. OTHER IMPLEMENTATION ISSUES

<ul style="list-style-type: none"> • <i>Proactive Agenda - In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...) (Procedural Guidance, Commentary, I.18).</i> 	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Yes. Please see the answer to question 4. Also, the Canadian NCP is currently working with the Norwegian NCP on a “stakeholder engagement” project, in response to a request from the chair of the working party.
b.	What proactive agenda issues deserve particular attention in your country?
	Generally speaking, raising awareness of the Guidelines among Canadian MNEs working abroad deserves attention in Canada.

<ul style="list-style-type: none"> • <i>Peer Learning - In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs. (Procedural Guidance, Commentary, I.19).</i> 	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	In 2009-2010 Canada chaired the peer review of the NCP of the Netherlands.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	The Canadian NCP is currently engaged in several high profile and complex specific instances. The Canadian NCP believes that a peer review would be more informative and rewarding after the completion of these cases.

<ul style="list-style-type: none"> • Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP? 	
	The past year has been an active and busy one for the Canadian NCP. Of the multitude of procedural questions that have arisen over the past year, the Canadian NCP would like to flag two. First, over the past year the Canadian NCP has communicated and liaised with a number of other NCPs for purposes of (1) obtaining information relating to the practices and approaches of other NCPs when dealing with certain specific matters, and (2) obtaining or providing information in relation to

	<p>requests for review and specific instances.</p> <p>Overall, the Canadian NCP experience relating to the relationship and communication among NCPs has been positive. Inter-NCP communication is generally cordial, efficient and effective. However, there are instances where earlier notice and/or improved consultation would have been beneficial to the handling of the cases. The Canadian NCP hopes that such situations can be avoided in the future and looks forward to improvements in information sharing, cooperation and collaboration.</p> <p>Second, while the mediation in many specific instances can be managed in a routine manner, some mediations may be quite complex and challenging and may require specific country or regional knowledge and language skills. To assist in the resolution of both routine and complex cases, it may be worthwhile for the OECD to consider how it can better support NCPs when they are engaged in the mediation process, as individual NCPs may lack the capacity and expertise required to properly fulfill their responsibilities. For example, the OECD could examine the feasibility of creating a qualified mediator roster.</p>
<ul style="list-style-type: none"> • Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate. 	
	<p>The Canadian NCP, in collaboration with the Norwegian NCP, hopes to complete the stakeholder engagement project and develop a user's guide to assist in the interpretation and implementation of the corresponding provision in the Guidelines.</p>

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas⁴

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	The tin, tantalum and tungsten <i>Guidance</i> has been recently adopted and a pilot implementation project is underway. DFAIT is in touch with participating companies. The Gold supplement has not yet been formally approved. DFAIT is in touch with gold sector participants and significantly supported the process. DFAIT has not yet disseminated the <i>Guidance</i> to a wider audience. DFAIT hosted in March 2012 a cross sectoral meeting where, among others, the 3ts and gold sectors could share lessons learned in developing responsible sourcing practices.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	Nil.
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	Nil.

⁴ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁵	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	Yes. The tool is accessible through the Canadian NCP website.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	Not applicable.

⁵ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

CHILE / CHILI

A. INSTITUTIONAL ARRANGEMENTS

- The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
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- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.
-

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
General Directorate for International Economic Relations. Ministry of Foreign Affairs.	Monopartite	2	NCP will have access to the expert opinion of an Advisory Body, which is composed with representatives from different Ministries and Agencies of the Government. (This body is in a process of implementation and it would have at least 5 members).	n/a	Rodrigo Monardes rmonardes@direcon.gob.cl Ricardo Bosnic rbosnic@direcon.gob.cl

* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of

representative/s of business association/s or trade union/s

- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

- What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

Since the update of the guidelines and certain level of specific knowledge is needed in order to properly assess the cases that has been and could potentially be presented before de NCP. In that regard, the NCP is structure with 2 persons and with the possibility to be guided with the expert opinion of the Advisory Body.

- Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

The main reason for the creation of an Advisory body is because it has the role to provide with an expert opinion to assess the issues covered by the Guidelines to the NCP, which finally has to decide the specific cases. There is no dependency of the NCP to the Advisory Body and the NCP is placed within the Ministry of Foreign Affairs because it is the best way to give impartiality to the NCP to address the cases.

- “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

Stakeholders are not a part of the formal structure of the NCP. However, NCP scheduled regular meetings with relevant NGO’s, Universities, workers unions and other civil society organizations. These meetings have the purpose to exchange information with them about the work of the NCP. During this period 2 meetings have been held with the stakeholders.

- Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

No.

- *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

This provision gives to Chile the possibility to initiate a process to make available all the necessary human resources for the functioning of the NCP by means of establishing an Advisory Body.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

<ul style="list-style-type: none"> • <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i> 	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Not exclusively, but in the webpage of the General Directorate For International Economic Relations contain information regarding the OECD and the NCP (http://www.direcon.gob.cl/sites/rc.direcon.cl/files/bibliotecas/DIRECTRICES_OCDE%20AGOSTO%202009.pdf)
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The online version of the Guidelines is in Spanish.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	Only through the meetings with the stakeholders, academia and NGO’s during which the NCP exchange information with them. This meetings have been held regularly every two months.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No. there is not mandatory provision to report.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No.

- *“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental*

<p><i>organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>The NCP has a plan to promote the guidelines with the relevant stakeholders, business community, academia and NGO’s. In one hand has scheduled regular meetings with them and in the other hand it is planning to participate in seminars organized by universities, academia NGO’s and civil society to promote the guidelines.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Yes.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>No.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The NCP arrange meetings with specific agencies as appropriate in a regular manner.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>There is no formal cooperation with them.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>None.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High</p>

	Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	No.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	During this period we have received two enquires. The first one from the National Institute of Human Rights (some information was required and the NCP is collecting all the information) and from the Embassy of Norway in Chile (for the purposes to organize a conference in Chile this year about the guidelines).

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is *“impartial, predictable, equitable and compatible with the Guidelines”* (in addition to the *“core criteria of visibility, accessibility, transparency and accountability”* listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<ul style="list-style-type: none"> • <i>“NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”.</i> ((Procedural Guidance, Commentary, I.15) 	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	Yes. The NCP has developed criteria or guidelines to assist the applicants for the presentations of their complaints. No they are not publicly available.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	The NCP is in a process to modify them. This year the new procedures will be in place.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

- Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under

consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

- For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

<ul style="list-style-type: none"> Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18). 	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	NCP is planning to held seminars with different stakeholders to promote the guidelines. It is expected to organize conferences for the second semester of this year.
b.	What proactive agenda issues deserve particular attention in your country?
	In Chile, special importance is given to environmental issues and SCR in the mining sector, as well to labor issues. We are also given importance to promote the guidelines among different ministries and state agencies.

<ul style="list-style-type: none"> Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19). 	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	Not yet. NCP is planning to organize a seminar with Norway, we initiate contacts trough the Norwegian Embassy in Chile.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	Chilean NCP will be available to be engage in a voluntary peer review after 12 months. Since several structure and procedural issues are under review and modifications needs to be finish before engaged to a peer review.

<ul style="list-style-type: none"> Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP? 	
	No for the time being.

- Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

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E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises
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² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

	and stakeholders? Please elaborate.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?

COLOMBIA

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

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- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

•

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Trade, Industry and Tourism/ Viceministry of Trade	Monopartite		The NCP has an advisory board with four members from the private sector, NGOs, labor unions and academia. This board also oversees the NCP's activities.	The NCP has an advisory board with four members from the private sector, NGOs, labor unions and academia. This board also oversees the NCP's activities.	<p><i>Mrs. Andrea Pradilla</i></p> <p>apradilla@mincomercio.gov.co</p> <p>colombiaPNC@mincomercio.gov.co</p> <p><i>Calle 28 # 13A- 15 Bogotá , Colombia</i></p> <p><i>Phone number: 57+1 6067676 Ext. 2308</i></p>

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2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

Considering that Colombia is in the first stage of implementing its NCP, the Ministry reviewed the experiences of the UK, Canadian, Dutch and Norwegian NCPs in order to identify best practices. As a result, we believe that having a government led NCP will help us further its objectives and promotional activities will have better results. In addition, having a multistake advisory board will allow for proper participation of our stakeholders.

The NCP is also allowed to consult with other government agencies as required in each specific instance.

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3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

Depending on the issues that are part of a complaint, the NCP is allowed to consult with other government agencies and experts as required. This will provide an effective basis for dealing with the broad range of issues covered by the Guidelines.

The NCP will operate in an impartial manner, as while it is located within the Ministry of Trade; its decisions are independent and will not be reviewed by other government officials. The NCP will be overseen by its advisory board, and it can seek support from other government agencies as needed.

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The NCP’s promotional activities are framed within two main channels. The first one is what we call the “supply” activities, which refer to those funded with public funds. All stakeholders are invited to these activities. For the first semester of 2012, the NCP has planed the three following major activities:

- Latin-American Forum on Fight against Transnational Corruption: this forum took place in March 2012 where we engaged with the private sector and civil society organizations in order to explain Chapter VII of the Guidelines.
- Expogestión Barranquilla: during this conference, the Minister of Trade launched the OECD Investment Policy Reviews: Colombia 2012 and took the opportunity to present the Guidelines and the NCP to the participants.
- CSR Mission to the EU: in May 2012, the Colombian NCP participated in a CSR Mission to the EU to exchange best practices for the promotion of responsible business behavior. As a result, a public policy on CSR will be drafted, using the Guidelines as the general framework.
- Launching of the Colombian NCP, which will take place on June 13th and will be an opportunity

for all our stakeholders to discuss the Guidelines and learn from the experience of other NCPs, including Canada, the UK and Holland.

The second channel we use to engage with our stakeholders is known as “demand” activities and refer to specific requests made by one or several stakeholders.

- Promotional Campaign “Yo le juego limpio a Colombia,” which develops a 10 point framework encouraging businesspeople to play fair to Colombia. The 10 points were developed based on the Guidelines, and the campaign will be launched by the President of Colombia Juan Manuel Santos on June 5th. During the second semester, there will be three regional events to promote this initiative, which has already been supported by several multinationals.
- Engagement with trade associations in the software industry. We have been approached by the software industry association in order to present the Guidelines to its Board. We had a first short workshop, and another will take place during the second semester.
- Participation in the CSR and Human Rights Forum at Universidad de los Andes where we presented Chapter IV of the Guidelines and engaged in discussions with representatives from the private sector, civil society organizations, academia and the UN.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The NCP participated in the first CSR Mission to the EU where representatives from Colombian government agencies exchanged their experiences with their EU counterparts in order to create the country’s first CSR public policy. This policy will be based on the Guidelines as a general framework to develop other initiatives.

In addition, the NCP has worked with the Ministry of Mining in order to adhere and later implement the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. As a result, Colombia officially adhered to this instrument and its Gold Supplement. Moreover, we are currently working on designing a pilot project to implement the Gold Supplement.

Likewise, the NCP is working on a project with the Secretariat on Transparency in order to promote Chapter VII of the Guidelines.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The Ministry of Trade, Industry and Tourism has allocated resources to hire one person who will be in charge of the NCP. In addition, public funds have been procured to design and publish promotional materials. Also, public funds are being used to conduct promotional activities in Bogota and other cities

around the country.

In the future, and based on the type and volume of specific instances, more resources will be made available to fulfill the NCP's responsibilities.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes. The NCP has a section within the Ministry’s website. https://www.mincomercio.gov.co/mincomercioexterior/publicaciones.php?id=2241 In addition, the NCP with the support from the Dutch government plans to develop an independent website later this year.
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes. The Guidelines have been translated into Spanish. We have printed 1000 copies of this translation, which are being distributed among stakeholders. In addition, the translation of the Guidelines is available online. Also, we have developed a 24 page booklet in Spanish, explaining the Guidelines, the NCP composition and procedures, and the OECD as an organization.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	As this is our first report, it is not yet available online. However, we plan to make it available online.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	As this is our first report, it has not been disseminated yet. However, during our regional events, we will devote a section to explain how the NCP is measured and evaluated by the OECD and other stakeholders. Then, we will present our first report to our stakeholders.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The NCP is required to regularly report to the Director of Foreign Investment, the Vice-Minister of Trade and the High Presidential Counselor for Public and Private Management.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.

	The NCP monitors its promotional activities, using indicators such as type of stakeholders, attendance numbers, follow-up emails, and chapter of the Guidelines that was promoted.
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8. *“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).*

“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)

“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)

a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
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Yes. The Colombian NCP has a comprehensive promotional plan on the Guidelines, which includes the following activities:

- Translate, print and publish the Guidelines
- Design, print and distribute booklet on the Guidelines and the NCP procedures
- Design and maintain and updated and accessible website for the NCP and the Guidelines
- Create an email account for the Colombian NCP
- Launch the NCP
- Organize five promotional events: 2 in Bogota, 3 around the country
- Seek participation in all events where the Guidelines and the NCP can be relevant
- Train government officials, private sector, NGOs, unions and universities on the Guidelines and their procedures
- Engage embassies abroad to help promote the Guidelines
- Seek partnerships with other government agencies and international organizations
- Design and publish an annual bulletin on the Guidelines
- Engage in consultations with relevant stakeholders through its advisory board and through other venues that become available

b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.
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- Latin-American Forum on Fight against Transnational Corruption: this forum took place in March 2012 where we engaged with the private sector and civil society organizations in order to explain Chapter VII of the Guidelines.
- Expogestión Barranquilla: during this conference, the Minister of Trade launched the OECD

	<p>Investment Policy Reviews: Colombia 2012 and took the opportunity to present the Guidelines and the NCP to the participants.</p> <ul style="list-style-type: none"> • CSR Mission to the EU: in May 2012, the Colombian NCP participated in a CSR Mission to the EU to exchange best practices for the promotion of responsible business behavior. As a result, a public policy on CSR will be drafted, using the Guidelines as the general framework. • Launching of the Colombian NCP, which will take place on June 13th and will be an opportunity for all our stakeholders to discuss the Guidelines and learn from the experience of other NCPs, including Canada, the UK and Holland. • Promotional Campaign “Yo le juego limpio a Colombia,” which develops a 10 point framework encouraging businesspeople to play fair to Colombia. The 10 points were developed based on the Guidelines, and the campaign will be launched by the President of Colombia Juan Manuel Santos on June 5th. During the second semester, there will be three regional events to promote this initiative, which has already been supported by several multinationals. • Engagement with trade associations in the software industry. We have been approached by the software industry association in order to present the Guidelines to its Board. We had a first short workshop, and another will take place during the second semester. • Participation in the CSR and Human Rights Forum at Universidad de los Andes where we presented Chapter IV of the Guidelines and engaged in discussions with representatives from the private sector, civil society organizations, academia and the UN.
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>We have used existing government programs to promote the Guidelines. For instance, we are working with “Programa de Transformación Productiva (PTP)” <i>Productive Transformation Program</i>, which works across 16 sectors that have been selected as “world class sectors.” This means the government is working to make this its priority in terms of investment and exports.</p> <p>Through their sustainability component, we have made the Guidelines available to the managers of each sector, which in turn have shared them. As a result, we have had access to over 300 companies who are now aware of the Guidelines.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>In terms of promotion within the government, it is worth noting the following activities carried out by the NCP:</p> <ul style="list-style-type: none"> • We have engaged with relevant public agencies with jurisdiction over Chapters IV, VII and X. During the second semester, we will reach out to other government agencies as well. • We have used the platform available at the Ministry to make all the agencies within our sector aware of the Guidelines. • We have engaged in promotional activities with High Presidential Counselors.

e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>We are currently coordinating a promotional campaign with Proexport, Colombia's investment promotion agency.</p> <p>In addition, we have established contact with two partially state-owned enterprises that are now aware of the OECD Guidelines. Cooperation with them will increase, as we plan to develop some training workshops with them.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>This part of our implementation process is scheduled to take place during the second semester.</p>

g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	<p>During all of our presentations, we make it a priority to highlight how the OECD Guidelines relate to these initiatives.</p> <p>In particular, we are working with the UN Global Compact in Colombia to support their efforts to promote Human Rights.</p>
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	No. Enquires have not been received yet.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures
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<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
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a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
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	Yes. Our procedures are available to the public in Spanish. They will be translated into English during the second semester.
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	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
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	As Colombia joined the Guidelines in December 2011, our procedures were developed following the revised Procedural Guidance.
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Specific Instances during the Reporting Period

The Colombian NCP has not yet received specific instances for consideration.

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<p>10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under</p>

consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Yes. The NCP is currently working on a specific promotional plan for the OECD Guidance for Responsible Supply Chain of Minerals from Conflict-Affected and High-Risk Areas.
b.	What proactive agenda issues deserve particular attention in your country?
	Transparency in the supply chains of minerals. Due diligence in the agribusiness sector, particularly as it relates to human rights.

13. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	Yes. The NCP participated in the OECD National Contact Points and the Extractive Sector meeting in London in March. In addition, the NCP participated in the Joint Gold and 3T Plenary Session. Finally, the NCP has had bilateral consultations with NCPs from the UK, Canada and Holland.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	The NCP is open to receiving feedback from other NCPs on a regular basis. However, we believe a voluntary peer review would be most useful when our NCP has reviewed at least two or three cases, and at this point, we do not know if within a year this situation will have taken place.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	While it has been only four months since Colombia began to implement its NCP, we would like to highlight the strong commitment from the government in order to make this one of the most important tools when promoting CSR. This can be reflected in all the activities that have taken place

	to date as well as in the ones that have been planned for the second semester.
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15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

	As a new NCP, we have struggled when trying to have access to information regarding specific instances and promotional activities conducted in other countries. We have found that often we refer to information provided by our stakeholders but not the OECD itself.
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**E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED
AND HIGH RISK AREAS**

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	<p>After a four month consultation with our stakeholders, on May 17, we finally adhered to the Due Diligence Guidance for Responsible Supply Chains of Minerals. These consultations had the support from the Ministry of Trade, Ministry of Mining and the Presidential Office.</p> <p>We used the First Conference on Responsible Mining, which took place earlier this year, to announce our intention to join the initiative and briefly explain its implications.</p> <p>In addition, we have designed a promotional plan to promote the Guidelines and the Due Diligence instrument within the mining sector.</p> <p>Finally, we are working on designing a pilot project to implement the Gold Supplement.</p>
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	As we recently adhered to the framework, measures are planned to be taken during the second semester through specialized workshops led by the Ministry of Mining with the support from the NCP.
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	In the next two weeks, we will sign an agreement with the Confederation of Chambers of Commerce in order to carry out three promotional events using regional chambers of commerce in

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

	Barranquilla, Medellin and Cali. Those events will be attended by all of our stakeholders with a particular focus on civil society organizations, professional associations and academia.
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OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	Yes. The NCP refers to the tool and provides an explanation regarding its scope during the “demand type of events”.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No. We do not have information on the use of this instrument.

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

A. INSTITUTIONAL ARRANGEMENTS

- a) The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Industry and Trade	Monopartite / single department	Chaired by a senior government official			oecd@mpo.cz

* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:

- a) *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- b) *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- c) *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- d) *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- e) *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- f) *Independent Expert Body*: the NCP is composed only of independent experts

b) What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The current structure is based on the historical development. NCP meetings are attended by representatives of business, trade unions and NGOs, as well as several relevant government ministries/institutions. It is envisaged that the NCP will be formally transformed into quadripartite structure.

c) Please indicate, if possible by providing examples, how the structure and organization of the NCP *“provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government”* (Procedural Guidance, I.A.1)

Despite the fact that the current NCP is organized as a single department from the beginning (in 1999), it has always worked in a close contact with business and social partners, other government departments and NGOs. NCP sessions are always attended by representatives of business, trade unions and NGOs. In our view such open approach towards these partners provides a solid basis for the NCP decision making and enables the NCP to operate in transparent and impartial manner.

d) *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

As mentioned in the previous answer, the meetings of Czech NCP are regularly attended by the representatives of the business community, worker organizations and NGOs. As the close cooperation with our social partners was proven to be effective, we are considering a transformation of the NCP from single department type into a quadripartite type. The transformation would formally confirm already existing system of cooperation between the government representatives and our business and social partners and the non-profit sector.

e) Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

Not directly.

f) *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP?

Are changes contemplated for the future? Please elaborate as appropriate.

No. Requests for additional budget would be contemplated if the need for resources increases (dealing with specific instances etc.) We comply with "internal budgetary priorities" of the government that include ambitious agenda of fiscal consolidation (i.e. budget cuts that in practice include staff cost reductions and/or new staff freeze). The challenge is to maintain the current level of activity and readiness to respond actively to possible specific instance submissions.

B. Information and Promotion

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

g) <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	NCP information is provided on the Ministry of Industry and Trade website. There is no dedicated website for the NCP. Link: http://www.mpo.cz/dokument75865.html
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes, they are available online in the Czech version. (See the second attachment available through the link mentioned above).
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No.
f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No.

<p><i>h) “NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	The NCP promotes awareness about the Guidelines through the contact with the stakeholder representatives (mainly business community and trade unions).
b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.
	After the adoption of the revised Guidelines the NCP organized a meeting where the stakeholders were informed about the conclusion of the update/review process.
c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
	Mostly through semi-formal contacts with stakeholder representatives.
d.	How does the NCP promote the Guidelines within Government? Please elaborate.
	The NCP chair informed relevant government departments through coordination meeting related to the OECD agenda. The NCP is also in close contact with the government representatives from various ministries/institutions.. Formal endorsement of the new NCP structure by the Government is planned for the future.
e.	How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?
	The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.
	No changes to the earlier text.

f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	The Czech NCP is in contact with the Ministry of Foreign Affairs which uses such input for guidance and awareness of its representatives abroad.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	Not directly, however, the NCP is in contact with the relevant government departments responsible for these instruments (for example the Ministry of Labour and Social Affairs)
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	No such enquiries.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

i) “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. ((Procedural Guidance, Commentary, I.15)	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	Yes - in Czech. (See the second attachment available through the link mentioned in 7.a).
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Not yet, but it is being envisaged in the next period and the draft proposal has been already discussed with the stakeholders (see also answer 8d).

Specific Instances during the Reporting Period - NOT APPLICABLE FOR THE CZECH REPUBLIC IN THIS REPORTING CYCLE

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

j) Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

- k) For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>

b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?

d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

l) Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Not yet. However, the interested public was informed relatively recently about the Guidelines through the CSR seminar focusing on CSR education (November 2011).
b.	What proactive agenda issues deserve particular attention in your country?
	In the future we are considering working more with the enterprises that invest in countries with weak government and regulatory standards (strengthening the outreach through representatives abroad etc.). However, the number of outward investors is quite modest in the Czech Republic therefore the CSR element in the government-to-business dialogue does not receive high priority yet among the immediate and more pressing topics.

m) Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	The Czech NCP may engage in voluntary peer review at the certain point in the future, but not under the prevailing conditions. (The Czech Republic is a country with a developed, EU-compatible legal system with several options of seeking remedy for practices of inward investors incompatible with CSR standards. In addition, there are very few outward investors. The demand for NCP activities is therefore not comparable to certain other proactive member countries with extensive activities of MNEs.)

n)	Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
	No, apart from answers stated elsewhere – an expansion of NCP activities related to the update of the Guidelines is, in practice, dependent on overall budget/ policy priorities of the member states, including the Czech Republic. The challenge is to maintain current level of activities and especially to meet NCP's duty to mobilize resources and become fully available to stakeholders in case of dealing with a specific instance submission. Also "one size does not fit all" approach, acknowledging different requirements/ expectations from the NCPs in member countries, should be respected.

o)	Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.
	Raising awareness of the NCP / transformation of the NCP structure (into quadripartite).

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	The Ministry of Industry and Trade is currently not aware of any entities sourcing minerals from the conflict zones. Relevant department within the ministry was informed and it is foreseen that the potential stakeholders would be informed through appropriate meetings.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	N/A
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	N/A

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	N/A
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	N/A (The number of Czech investors in Weak Governance Zones is limited.)

DENMARK / DANEMARK

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
<p><u>Present NCP:</u> Ministry of Employment</p> <p><u>Future NCP*:</u> Danish Business Authority, Ministry of Business and Growth</p> <p>*The Danish Government has proposed a new law to strengthen the current NCP. The law is in process in Parliament and is expected to be passed before summer, entering into force by 1 November 2012.</p>	<p><u>Present NCP:</u> Tripartite</p> <p><u>Future NCP:</u> A mix of Independent Expert Body and Tripartite body without Ministerial representation. For specific composition please see next box.</p>	<p><u>Present NCP</u> - 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 Business and Growth - The Ministry of Employment (where the Secretariat and chairmanship is anchored)</p> <p><u>Future NCP:</u> 1) A Chairman</p>	<p><u>Future NCP:</u> There is no formal advisory body, however, the law obliges the NCP to consult with relevant expert organizations on a case by case basis.</p>		<p><u>Present NCP:</u> Ministry of Employment (bm@bm.dk, Secretariat of NCP (akl@bm.dk, sch@bm.dk))</p> <p><u>Future NCP:</u> Danish Business Authority, Ministry of Business and Growth</p>

		<p>2) Representative proposed by Confederation of Danish Industry</p> <p>2) Representative proposed by Danish Confederation of Trade Unions</p> <p>3) Representative proposed by Danish 92 Group</p> <p>4) An expert with relevant CSR insight</p> <p>All members appointed by Minister of Business and Growth</p>			
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* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

Future NCP: Recommendations from the Danish Council of CSR. Point of reference being critique raised towards NCPs in general, as well as the updated OECD Guidelines and UN Guiding Principles.

About the Danish Council of CSR: The Council consists of 17 members representing business, NGOs,

Labor Unions, Academia etc. of . The purpose of the Council is both to assist business and the government in field of CSR

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

Future NCP: The NCP is expected to address above considerations by establishing 1) Independent (Expert) Body with 5 members (cf. section 1 above) and by establishing 2) A Secretariat placed in the Danish Business Authority and by 3) Obliging the NCP to provide and annual report to the Danish Council of CSR (cf. section A.2).

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

Future NCP: The NCP is obliged to provide an annual report to the Danish Council of CSR (cf. section A.2). The Danish Business Authority provides secretarial functions for both the Council of CSR and the future NCP. The law stresses the potential for synergies in this regard. The law also stresses the need to ensure alignment with other national and international CSR activities relating to the effective functioning of the Guidelines.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

Future NCP: Co-ordination is expected (cf. section A.4) . Further, the law obliges the NCP to produce relevant guidance e.g. in relation to the concept of due diligence and to ensure alignment and coordination with international undertakings in this regard, including within the OECD and UN.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP?
Are changes contemplated for the future? Please elaborate as appropriate.

Future NCP: the Budget 2012 allocates 3 million Danish kroner per year to the NCP (including secretarial services).

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	<u>Present NCP:</u> Subpage to the website of Ministry of Employment. http://www.bm.dk/Beskaeftigelsesomraadet/Arbejdsret/Internationalt%20samarbejde/OECD%20-%20Det%20danske%20kontaktpunkt.aspx <u>Future NCP:</u> New website expected when the new NCP will take up its mandate 1 November 2012.
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	<u>Future NCP:</u> Not decided.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes. Accessible through link above. In English.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	<u>Future NCP:</u> No. However, the law stipulates that the NCP has to participate in peer reviews, and prepares the ground for the NCP to provide an annual public report to be discussed by the Danish Council of CSR (that also advises the Government on CSR issues, cf. section A.1)
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	<u>Future NCP:</u> Not decided.

8.	<p><i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p><u>Future NCP:</u> The law gives the NCP mandate to ensure relevant promotional activities, and specifically references the need to ensure relevant guidance on the concept of due diligence processes.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p><u>Present NCP:</u> Participation and presentation of NCP/Guidelines at seminar for Danish lawyers, December 2011. Presentation (guest lecture) at University of Copenhagen, April 2012.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p><u>Present NCP:</u> Social partners are members of the NCP.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p><u>Future NCP:</u> The Government's law proposal in process in Parliament is per se a way to promote the Guidelines within the Government. Future activities in this regard are not decided. Also relevant in this regard is the Government's new action plan for CSR “Responsible Growth – Action Plan for CSR 2012-2015), March 2012.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p><u>Present NCP:</u> No update of Annex 1 necessary.</p> <p><u>Future NCP:</u> To be decided.</p>

f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p><u>Future NCP:</u> To be decided.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</p>
	<p><u>Future NCP:</u> To be decided.</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</p>
	<p><u>Present NCP:</u> No enquiries as such. Ongoing institutional changes are based on recommendations from Danish Council on CSR.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	<u>Future NCP:</u> Clear indicative procedures are being developed in accordance with the Guidelines
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	<u>Future NCP:</u> Yes, but finalization of procedures still in progress.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.

Present NCP: A specific instance was raised by E-mail of 27 October 2011 to the Secretariat of the Danish Contact Point. Confirmation that the complaint had been received was sent to the complainant immediately. Due to the nature of the complaint the Secretariat of the Danish Contact Point considers that specific information about the complaint, including the name of complainant and the enterprise, is not at the time of writing suitable for public dissemination.

It can, however, be mentioned that the complaint relates to chapter VI in the “old” Guidelines, that the issue raised involves a non-adhering country and that it is still to be decided if the complaint can be considered *bona fide* and merits further consideration. The initial assessment of the complaint is, accordingly, ongoing and will hopefully be concluded by the Danish Contact Point within a relatively short period of time.

No other specific instances received in the 2011-2012 cycle.

<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector⁴</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>
<i>*From specific instance received</i>	<i>*From specific instance accepted</i>	<i>* From Conclusion of the</i>

⁴ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>to conclusion of the procedures –</i></p>	<p><i>procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<p><i>A. Initial Assessment</i></p>	
<p>a.</p>	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
<p>b.</p>	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
<p>c.</p>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
<p>d.</p>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<p><i>B. Assistance to the parties</i></p>	
<p>a.</p>	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>

b.	In what form has the NCP provided its good offices?

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?

d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
b.	What proactive agenda issues deserve particular attention in your country?

13. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?

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

15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas⁵

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁶

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

⁵ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

⁶ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?

ESTONIA / ESTONIE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Economic Affairs and Communication	<i>Monopartite</i>	-	-	-	Kaupo Sempelson Executive Officer of Enterprise Division Economic Development Department Estonian Ministry of Economic Affairs and Communications Harju 11, 15072 Tallinn http://www.mkm.ee Phone: +372 625 6350 Fax: +372 631 3660 E-mail: kaupo.sempelson@mkm.ee
<p>* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> - <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry - <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries - <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s - <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s - <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s - <i>Independent Expert Body</i>: the NCP is composed only of independent experts 					

<p>2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?</p>
<p>To keep structure simple and easily manageable.</p>
<p>3. Please indicate, if possible by providing examples, how the structure and organization of the NCP <i>“provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government”</i> (Procedural Guidance, I.A.1)</p>
<p>So far Estonian NCP has not dealing with any complaints. Given that, the structure of Estonian NCP is optimal.</p>
<p>4. <i>“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”</i> (Procedural Guidance, I. A.3).</p>
<p>Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).</p>
<p>Estonian Ministry of Economic Affairs and Communications started designing responsible business action plan (or CSR action plan) together with enterprises, business organizations, universities and NGOs. There have been several meetings with partners. National CSR Policy Expert Group was convened. Aim of this group is to share experiences and advise about national CSR policy.</p>
<p>5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).</p>
<p>NCP has coordinated elaboration of responsible business action plan for 2012-2014. Activities started in autumn 2011 and action plan should be approved by government by June 2012.</p>
<p>6. <i>“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”</i> (Council Decision, I.4).</p>
<p>Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.</p>
<p>No changes about Estonian NCP considered.</p>

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	http://www.mkm.ee/ncp-estonia/
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	2011 Guidelines is available only in English in our website (http://www.mkm.ee/ncp-estonia/). We do not plan to print any paper copies. Possible translation into Estonian has not decided yet.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes, in Estonian (http://www.mkm.ee/aastaruanded/). 2012 report will be available after submitting to OECD.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No.
f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	We have not conducted any surveys so far. We might consider it in next years.

<p>8. “NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</p> <p>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</p> <p>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</p>	
<p>a.</p>	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>Although we do not have a promotional plan, we plan to inform enterprises through the National CSR Policy Expert Group.</p>
<p>b.</p>	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>We have organized meetings to work out CSR action plan. Further meetings/seminars regarding Guidelines are possible. We consider connecting this issue with some SME week events in autumn.</p>
<p>c.</p>	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>Yes, Guidelines are available in web, partners are informed about guidelines.</p>
<p>d.</p>	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>No promotion activities planned.</p>
<p>e.</p>	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>Activities to raise awareness of such agencies and state-owned enterprises as</p>

	well are planned in 2012-2014. In March 2012 training for Enterprise Estonia consultants was held (not only for guidelines, but CSR in more generally).
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	So far we have not consulted with embassies about 2011 Guidelines.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	We plan to translate GRI guidelines and we have translated ISO 2600 standard. Also promotion activities and trainings are planned in 2012-2014.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	No enquiries have been received.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. <i>“NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</i>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	Since now, we have not received any complaints.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged ? In next year’s implementation phase of the Guidelines?
	No modifications have been made.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.
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<i>Sector and Country</i>	Estonia	
<i>Date complaint received</i>	<i>No complaints during the reporting cycle.</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>

b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is

	handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee "s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	3 rd October 2011 a conference took place, approximately 150 participants. This was also main event of SME week in Estonia. Subject was CSR and why enterprises that follow the CSR principles are successful. There were speakers also from EC and many entrepreneurs. 3 National CSR Policy Expert Group meetings were held (different subjects, approximately 40 participant each) as well as trainings for entrepreneurs and others.
b.	What proactive agenda issues deserve particular attention in your country?
	Such priorities are not set.

13. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?
	No.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	<ul style="list-style-type: none"> (a) CSR Index round 2 – with 60 participating organizations (17 new compared to the previous round; 42 large companies, 14 SMEs, 2 public sector organizations; 1/3 from manufacturing industry, 1/5 from retail and wholesale, 1/10 from logistics; half Estonian companies, half local branches of international companies), SME

	<p>category and external accreditation company validating the results of assessment in TOP companies as innovation of 2011</p> <ul style="list-style-type: none"> • (b) CSR Index based capacity building seminar with 62 participants, and around 20 more for awards ceremony • (c) National CSR Policy Expert Group Meetings – 3 meetings with around 25-30 participants each (companies, ministries, universities, hosting organizations, other stakeholders – each around 20% of all participants) + online consultation and individual meetings with experts. • (d) Launching new online platform for CSR index, online training and communication (see www.csr.ee) • (e) Launching and promoting new online training on basics of Corporate Social Responsibility (there are 2 modules for businesses and 3 modules for public sector organisations taking about 1-1,5 hours and finishing with the test) • (f) Delivering communication campaign around CSR index, conference and capacity building seminar in cooperation with an external communication partner • (g) Information and awareness event for media representatives (participants from national newspaper Postimees, radio Kuku and business magazine Director) • (h) Training materials for face-to-face classroom trainings and in-house company trainings are ready
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<p>15.</p>	<p>Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.</p> <ul style="list-style-type: none"> • Awareness rising events and implementing CSR action plan.
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E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	n/a
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	n/a
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	n/a

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	n/a
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	n/a

FINLAND / FINLANDE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Employment and the Economy	Quadripartite	The NCP is chaired by the State Secretary of the Ministry of Employment and the Economy Members: Several ministries and civil society partners, as business and labour organizations, NGOs: Ministry of Foreign Affairs, Ministry of Environment, The Prime Minister's Office, Ministry of Social Affairs and Health, The Confederation of Finnish Industries (EK), Federation of Finnish Enterprises, The Finnish Section of the International Chamber of			National Contact Point, Ministerial Counsellor Ministry of Employment and Economy PO Box 32 FI- 00023 GOVERNMENT Helsinki Tel: +358 50396 4673 Fax: +358 9 160 62062 Email: Jorma. Immonen @tem.fi Web: www.tem.fi

		Commerce, the Central Organisation of Finnish Trade Unions (SAK), The Finnish Confederation of Professionals (STTK), AKAVA-Confederation of Unions for Professionals and Managerial Staff, The Evangelical Lutheran Church of Finland, The Finnish Consumers' Association, Finnwatch ry, WWF Finland			
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* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The organizational quadripartite structure guarantees visibility, accessibility, transparency and accountability in the activities of the NCP.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP "provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government" (Procedural Guidance, I.A.1)

see point 2 above

4. *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The quadripartite NCP has discussed the updated Guidelines in the meetings together with the stakeholders.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The Finnish Committee on CSR (NCP) (set on 24 November 2011) established by the Government Degree (591/2008) focuses on the issues of CSR and the promotion of the Guidelines of the OECD and of the other international organizations. The NCP had 3 meetings over the review period.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

Necessary human and financial resources to the NCP are available. The new provision has not led to changes.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	The NCP has not a dedicated website; the information is on the website of the Ministry of Labour and the Economy, www.tem.fi .
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The 2011 Guidelines have been translated into Finnish. They are available online on the website of the NCP. Also English and French versions of the Guidelines are available.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Not so far.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	Not so far.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The NCP reports annually within the Government.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	The NCP does not conduct surveys etc.

	<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>
<p>a.</p>	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>According to the CSR resolution of the government Finland will actively engage with the international work on drafting CSR guidelines and promoting CSR. Finnish enterprises are encouraged to join the guidelines. OECD Guidelines are one of the priorities in the CSR action plan of the Finnish CSR Committee. Also ILO principles and UN Global Compact are supported.</p>
<p>b.</p>	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>A high level seminar on the updated Guidelines was held in April with the keynote speaker from the OECD and with business, labour and NGOs. In the seminar especially human rights were highlighted.</p>
<p>c.</p>	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The members of the quadripartite NCP have promoted Guidelines in their work.</p>
<p>d.</p>	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The NCO coordinates CRS policy and the promotion of the Guidelines within Government.</p>
<p>e.</p>	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>

	No need to update.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	So far embassies have not been used for raising awareness and promoting the Guidelines.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	See point a. above.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	General information on NCP procedures has been disseminated in response to the enquiries of the NGOs and other interested parties.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	NCP is in the process of developing procedures for handling complaints as a result of the revised Procedural Guidance.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Not so far.

Specific Instances during the Reporting Period

No specific instances were raised by May 4 2012.

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies),1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>*From specific instance received to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
b.	In what form has the NCP provided its good offices?

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?

d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	A high level seminar has been held, see point. 8.b.
b.	What proactive agenda issues deserve particular attention in your country?
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13. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	The NCP did not participate in peer learning activities.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	Not at the moment.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
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15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

**E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED
AND HIGH RISK AREAS**

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas¹

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
	General information on the <i>Guidance</i> has been disseminated. The <i>Guidance</i> is available on the NCP website.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?

3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

¹ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones²	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	General information on the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones has been disseminated. The tool is available on the NCP website.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No

² <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

FRANCE

A. ORGANISATION INSTITUTIONNELLE

1. Le tableau ci-dessous a été établi pour collecter les informations relatives à la structure et à l'organisation des Points de contact nationaux. Il correspond à la section A des Lignes directrices de procédure et au Commentaire sur les procédures, relatifs à la composition des PCN et à l'existence possible d'organismes consultatifs ou de supervision.

Veillez inscrire les informations demandées et les coordonnées de la personne à contacter. Veuillez indiquer en particulier tout changement institutionnel intervenu, ou envisagé, en conséquence de la mise à jour. Pour ce qui concerne la composition du PCN, veuillez également indiquer s'il est présidé par un haut fonctionnaire, ou un expert de haut niveau/reconnu en matière de conduite responsable des entreprises.

Le PCN est présidé par le Sous-directeur des Affaires financières multilatérales et du Développement à la Direction générale du Trésor. Le PCN est une structure tripartite regroupant plusieurs administrations publiques, des syndicats ainsi qu'une organisation patronale. Le PCN est composé des administrations du ministère de l'Economie, des Finances et de l'Industrie, du ministère du Travail, du ministère des Affaires étrangères et européennes ainsi que du ministère de l'écologie, de 6 organisations syndicales représentatives au niveau national (CFE-CGC, CFDT, CGT, CFTC, FO, UNSA) ainsi que d'une organisation patronale (MEDEF).

Le PCN ne comprend pas d'organisations non gouvernementales (ONG) parmi ses membres mais il s'attache à maintenir un dialogue régulier et des contacts directs avec elles. Le PCN a notamment été amené à entendre les positions exprimées par les ONG dans le cadre du traitement de conditions spécifiques portées à son attention par ces ONG. Un dialogue régulier a pu être ainsi nourri entre les entreprises et les ONG sur une longue durée permettant à ces ONG de faire valoir leur point de vue. Des contacts directs entre les ONG et certains membres du PCN permettent ainsi à ces organisations d'exprimer leurs vues sur des sujets intéressants les principes directeurs de l'OCDE à l'intention des multinationales.

Le PCN a également la capacité de consulter d'autres administrations de l'Etat ou toute autre entité quand la circonstance spécifique le nécessite Ministère de l'Economie, des Finances et de l'Industrie. L'organe de supervision est la Direction Générale du Trésor du ministère de l'Economie, des Finances et de l'Industrie.

Le PCN est présidé par un haut fonctionnaire qui est le sous-directeur à la direction générale du Trésor. Les coordonnées du PCN sont : Mr Rémy RIOUX, Sous-directeur des Affaires financières multilatérales et du développement, Direction générale du Trésor, Ministère de l'Economie, des Finances et de l'Industrie, 139, rue de Bercy, 75572 Paris cedex 1 - remy.rioux@dgtrésor.gouv.fr Tél. +33.1.44.87.73.60.

2. Quelles sont les raisons expliquant le choix de cette structure pour l'organisation du PCN et les changements qui lui seront éventuellement apportés ?

La Direction Générale du Trésor dispose d'une très large compétence couvrant les dimensions couvertes par les principes directeurs et intervient dans la définition des relations économiques, financières et commerciales internationales de la France. La présidence du PCN a été confiée à la Sous-Direction des Affaires financières Multilatérales et du Développement (SAMD) qui participe aux négociations concernant les Principes Directeurs à l'OCDE. Cette sous-direction est notamment chargée de définir la position française au sein des Institutions Financières Internationales, du G8-G20, de l'OCDE ainsi que des relations économiques et financières avec l'Afrique sub-saharienne et de l'aide publique au développement.

Il n'y a pas de changement prévu dans la structure du PCN français à ce stade.

3. Veuillez indiquer, si possible en étayant votre réponse par des exemples, en quoi la structure et l'organisation du PCN lui offrent « *une structure efficace pour le traitement des questions très diverses soulevées par les Principes directeurs* » et lui permettent de « *pouvoir fonctionner en toute impartialité tout en respectant un niveau approprié de responsabilité vis-à-vis des pays adhérents* » (Lignes directrices de procédure, I.A.1).

La Direction Générale du Trésor a négocié les principes directeurs, la recommandation ainsi que les révisions. Elle est donc en bonne position pour traiter des questions soulevées par les principes directeurs. Elle peut également mobiliser le réseau international des services économiques à l'étranger pour étayer les dossiers suivis et entrer en relation avec les autorités des pays adhérents. Par ailleurs, l'efficacité du PCN provient à la fois de sa fonction de coordination interministérielle ainsi que de sa capacité à 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. L'efficacité et l'impartialité du PCN proviennent également du dialogue régulier avec les ONG.

Par exemple, en 2011, le PCN a organisé la venue du Directeur Général du Travail pour parler des questions d'emploi pour aborder un dossier sensible lors d'une des réunions. Le PCN a également mobilisé des services économiques à l'étranger afin de clarifier la recevabilité de certains cas dont il a été saisi.

4. Les PCN « *noueront et entretiendront des relations avec les représentants des milieux d'affaires, des organisations représentant les travailleurs et d'autres parties intéressées en mesure de contribuer au bon fonctionnement des Principes directeurs* » (Lignes directrices de procédure, I. A.3).

Veuillez donner des précisions sur les activités (réunions, échanges d'informations...) menées avec des parties prenantes au cours de la période considérée (si les parties prenantes ne font pas partie de la structure formelle du PCN).

Sur la période 2011/2012, la direction générale du Trésor a présenté le rôle du PCN et la position française sur la révision des Principes directeurs lors d'une réunion d'information et de sensibilisation organisée à l'OCDE en présence d'une soixantaine d'entreprises françaises.

Par ailleurs, la direction générale du Trésor a actualisé la page web relative aux principes directeurs et au PCN dans le cadre de la création d'un nouveau site internet de cette direction.

5. Est-ce que le PCN coordonne ses activités avec celles d'autres agences gouvernementales responsables de questions relatives à la conduite responsable des entreprises ? - Veuillez préciser votre réponse (par exemple la coordination des activités du PCN avec mise en œuvre des Principes directeurs des Nations Unies sur les entreprises et les droits de l'homme).

Le PCN assure la coordination avec d'autres services et administrations concernés par la conduite responsable des entreprises au sein de la Direction Générale du Trésor et plus largement au sein du Ministères de l'Economie, des Finances et de l'Industrie, ainsi qu'avec le Ministère des Affaires Etrangères et Européennes (MAEE) et le Ministère de l'Ecologie.

6. *« Les pays adhérents doteront leurs Points de contact nationaux de ressources humaines et financières de manière à ce qu'ils puissent s'acquitter efficacement de leurs responsabilités, en tenant compte de leurs priorités et pratiques budgétaires internes. »* (Décision du Conseil, I.4).

Cette nouvelle disposition a-t-elle conduit à des changements dans l'organisation des ressources humaines et du budget du PCN ? Des changements sont-ils prévus ? Le cas échéant, veuillez préciser.

Cette nouvelle disposition n'a pas donné lieu à des changements dans l'organisation et le budget du PCN.

B. INFORMATION ET PROMOTION

Aux termes de la section B des Lignes directrices de procédure, les PCN doivent faire connaître les *Principes directeurs* et leurs procédures de mise en œuvre auprès des parties prenantes, des organisations partenaires et du public intéressé, et promouvoir activement leur utilisation. La coopération entre les PCN, les parties prenantes, les réseaux institutionnels et les organisations partenaires peut s'avérer importante pour renforcer l'efficacité des activités d'information et de promotion relatives aux *Principes directeurs*.

7. « Chaque Point de contact national devra 1. Faire connaître les Principes directeurs et les diffuser par les moyens appropriés, y compris par des supports en ligne, et dans les langues nationales. (...) 2. Faire mieux connaître les Principes directeurs et leurs procédures de mise en œuvre (...) » (Lignes directrices de procédure, I.B.1-2)

- a. Le PCN dispose-t-il d'un site ou de pages Internet spécifiques ? Le cas échéant, veuillez indiquer l'adresse du site
- b. Les *Principes directeurs* 2011 ont-ils été traduits dans la(les) langue(s) nationale(s) ? Dans une (d')autre(s) langue(s) ? Sont-ils disponibles en ligne ? Sont-ils accessibles par un autre moyen (version imprimée des textes traduits, brochures, etc. merci de préciser) ?

a/ et b / Les Principes directeurs sont accessibles le site web Principes directeurs à l'intention des entreprises multinationales de la Direction Générale du Trésor du Ministère de l'Economie, de l'Industrie et de l'Emploi: <http://www.tresor.economie.gouv.fr/principes-directeurs-a-lintention-des-entreprises-multinationales>.

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.

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.

Les principes directeurs sont également accessibles sur le site du MEDEF : http://archive.medef.com/main/core.php?pag_id=37097

- c. Le rapport annuel de votre PCN à l'OCDE est-il accessible en ligne ? Si oui, dans quelle langue ?

Non.

- d. Le rapport annuel de votre PCN à l'OCDE est-il diffusé par des moyens autres qu'Internet? Si oui, lesquels et dans quelle(s) langue(s) ?

Non.

- e. Le PCN doit-il rendre compte régulièrement de ses activités au gouvernement ? Par exemple au Parlement ?

Non.

- f. Le PCN procède-t-il à des enquêtes ou rassemble-t-il des éléments permettant d'en savoir plus sur le degré d'information des entreprises et sur leur utilisation des *Principes directeurs* (ex. : références dans les codes de conduite des entreprises) ? Veuillez donner des exemples précis

La Direction Générale du Trésor et certains membres des autres administrations représentées au PCN rencontrent régulièrement des entreprises à de multiples occasions, y compris à travers le réseau des services économiques à l'étranger. Ces échanges sont souvent mis à profit pour échanger sur les Principes Directeurs et sur la responsabilité sociale des entreprises.

8. Chaque PCN devra « *faire mieux connaître les Principes directeurs et leurs procédures de mise en œuvre, y compris en coopérant, le cas échéant, avec les milieux d'affaires, les organisations représentant les travailleurs, d'autres organisations non gouvernementales et le public intéressé.* » (Lignes directrices de procédure, I.B.2).

« *Les PCN coopéreront avec un large éventail d'organisations et de personnes, y compris selon les circonstances, les milieux d'affaires, les organisations représentant les travailleurs, d'autres organisations non gouvernementales et d'autres parties intéressées. Ces organisations ont un grand rôle à jouer pour faire mieux connaître les Principes directeurs et leurs réseaux institutionnels offrent des possibilités de promotion qui, si elles sont bien utilisées à cette fin, permettront d'amplifier largement les efforts déployés en ce sens par les PCN.* » (Commentaire sur les procédures de mise en œuvre, I.16)

« *Les investisseurs potentiels (désireux d'investir dans le pays ou à l'étranger) devront être informés en tant que de besoin sur les Principes directeurs.* » (Lignes directrices de procédure, I.B.1)

- a. De quelle façon le PCN assure-t-il la promotion des *Principes directeurs* et des procédures de mise en œuvre ? Dispose-t-il d'un plan de communication ? Si oui, veuillez préciser.
- b. Le PCN a-t-il participé à des réunions/séminaires/conférences visant à promouvoir les *Principes directeurs* et leurs procédures de mise en œuvre, ou en a-t-il organisés ? Veuillez indiquer les événements qui se sont déroulés pendant la période couverte par le rapport.
- c. Comment le PCN s'est-il appuyé sur les réseaux institutionnels disponibles, les représentants des milieux d'affaires, les organisations représentant les travailleurs, les organisations non gouvernementales et le public intéressé pour mieux faire connaître et promouvoir les *Principes directeurs* et leurs procédures de mise en œuvre ?
- d. De quelle façon le PCN assure-t-il la promotion des *Principes directeurs* auprès du gouvernement ? Veuillez préciser.
- e. Comment s'organise la coopération avec les organismes publics (agence de crédit à l'exportation, entreprises publiques, et programmes de garantie des investissements à l'étranger et de promotion des investissements de l'étranger) pour ce qui concerne les activités d'information et de promotion des *Principes directeurs* et de leurs procédures de mise en œuvre ?

Le PCN est par ailleurs invité à mettre à jour (en utilisant la fonction « modifications apparentes ») l'annexe 1, qui décrit les liens établis entre les *Principes directeurs* et les programmes de crédit à

l'exportation, de garantie des investissements à l'étranger et de promotion des investissements de l'étranger.

- f. Comment les ambassades, notamment dans les pays émergents et les pays non adhérents, ont-elles été utilisées pour faire mieux connaître et promouvoir les *Principes directeurs* ?
- g. Est-ce que le PCN procède à la coordination de ses activités avec celles des organisations partenaires de l'OCDE et/ou les grands instruments en matière de responsabilité des entreprises, comme l'OIT, les Conventions de l'OIT, la Déclaration de principes tripartite de l'OIT sur les entreprises multinationales et la politique sociale, le Pacte mondial des Nations unies et ses réseaux locaux, le Haut-Commissariat des Nations unies aux droits de l'homme, et la Global Reporting Initiative ?
- h. Des questions relatives aux *Principes directeurs* et à leurs procédures de mise en œuvre ont-elles été reçues de la part : (a) d'autres PCN ; (b) des milieux d'affaires, des organisations représentant les travailleurs, d'autres organisations non gouvernementales ou du public ; ou (c) de gouvernements de pays non adhérents ? Veuillez préciser la nature et le contenu de ces questions et, le cas échéant, comment elles ont été traitées.

a/ à h / : Entre juin 2011 et mai 2012, le PCN n'a pas organisé d'évènement spécifique sur les principes directeurs dans la mesure où la révision récente a permis de renforcer l'attention sur les Principes Directeurs. Cependant, capitalisant sur les évènements organisés en 2010/2011, les principes directeurs ont été régulièrement abordés dans diverses enceintes internationales, dans lesquelles la Direction Générale du Trésor intervient, notamment le Business 20 (B20) ainsi que dans des multiples contacts avec les entreprises. Le réseau des services économiques à l'étranger du Ministère de l'Economie, des Finances et de l'Emploi a également servi de relais précieux pour la circulation d'informations et pour mettre l'accent sur les principes directeurs. En outre, la Direction Générale du Trésor a participé par le passé à un grand nombre de conférences où elle présente et valorise les Principes Directeurs.

Le PCN continue de s'appuyer sur le MEDEF pour informer les entreprises.

L'ensemble de ces activités facilite la diffusion et l'information sur les Principes Directeurs.

Par ailleurs, le PCN assure la coordination de ses activités avec celles des organisations partenaires de l'OCDE ainsi que dans le cadre du G20.

C. MISE EN ŒUVRE DANS DES CIRCONSTANCES SPÉCIFIQUES

Selon la section C de la version révisée des Lignes directrices de procédure, les PCN doivent traiter les circonstances spécifiques « *de manière impartiale, prévisible, équitable et compatible avec les (...) Principes directeurs* » (et ce, toujours dans le respect des « *critères essentiels [de] visibilité, accessibilité, transparence et responsabilité* » énoncés dans le chapeau du présent questionnaire). Les Lignes directrices de procédure révisées contiennent de nouvelles dispositions sur les étapes et le calendrier indicatif de la procédure de traitement des circonstances spécifiques, sur la coopération entre PCN, les procédures parallèles et la publication des résultats des procédures.

Informations générales sur les procédures suivies par les PCN

9. « Les PCN doivent donner des informations sur les procédures que les parties doivent suivre lorsqu'elles soulèvent une question ou bien sont sollicitées dans le cadre d'une circonstance spécifique. Ils doivent en particulier dispenser des conseils concernant les informations nécessaires pour invoquer une circonstance spécifique, les obligations qui incombent aux parties impliquées dans une circonstance spécifique, notamment en matière de confidentialité, et donner des renseignements sur les procédures qu'ils suivront et des indications sur le calendrier de la mise en œuvre de ces procédures. » (Commentaires sur les procédures de mise en œuvre, I.15)

- a. Le PCN a-t-il élaboré des procédures pour le traitement des plaintes ? Sont-elles disponibles en ligne ? Si oui, dans quelle(s) langue(s) ? Sinon, sous quelle(s) autre(s) forme(s) ?
- b. Les procédures établies par le PCN pour traiter les plaintes ont-elles été modifiées à la suite de la révision des Lignes directrices de procédure ? Si non, est-ce envisagé, notamment l'année prochaine, lors de la seconde phase du cycle de mise en œuvre des *Principes directeurs* ?

a/ et b / : Le PCN s'est doté d'un règlement intérieur adopté par cette instance. Le règlement intérieur est en cours de révision.

Circonstances spécifiques intervenues au cours de la période couverte par le rapport

Cette partie est consacrée aux activités des PCN liées aux circonstances spécifiques soulevées, examinées ou résolues au cours de l'exercice couvrant la période de juin 2011 à juin 2012.

Les questions ci-dessous ont été élaborées en tenant compte de la version révisée de la section C des Lignes directrices de procédure, et du Commentaire y relatif (I, 22-41). Veuillez vous assurer que les informations fournies se prêtent à une diffusion publique.

10. Veuillez remplir le tableau ci-dessous le cas échéant (et sous réserve des dispositions des Lignes directrices de procédure et Commentaires en matière de confidentialité) pour chaque circonstance spécifique dont vous avez été saisi, en cours d'examen ou résolue au cours de la période étudiée.

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. Ces saisines concernent toutes les deux le chapitre Emploi et concernent aussi des pays adhérents aux principes que des non-adhérents.

Au cours de la période considérée, le PCN français a poursuivi l'examen des 6 circonstances spécifiques dont il avait été saisi en 2010/11. En outre, il a été saisi de deux circonstances spécifiques depuis juin 2011. L'activité du PCN en 2011/10 a donc été plus importante que par le passé. Compte-tenu de l'alourdissement conséquent de la charge de travail du PCN en raison du nombre de circonstances spécifiques dont il a été saisi depuis 2010, il a été convenu de réunir le PCN de manière plus régulière.

A ce jour, sur les 8 circonstances spécifiques soumises au PCN depuis 2010, 4 restent en cours et 4 sont quasiment terminées. Ainsi, 2 projets de communiqués sont en cours de validation par le PCN et les

multinationales concernées, 1 dossier est en cours de traitement par le PCN des Etats-Unis et un cas est en voie de clôture (avec un probable désistement des plaignants résultant du dialogue engagé avec la multinationale concernée). Il est important de souligner que la totalité des affaires concernent l'emploi (notamment le droit syndical) tandis qu'un seul cas concerne également l'environnement. 3 affaires sur 8 proviennent du secteur de l'hôtellerie / distribution.

Cas 1 :

Secteur d'activité et pays	Secteur de l'hôtellerie - restauration aux Etats-Unis et en Colombie
Date de réception de la plainte	2 août 2010
Plaignant/s	Syndicat
Nom du(des) plaignant(s)	
Branche d'activité	I – Activités d'hébergement et de restauration
Raison sociale de l'(des) entreprise(s)	
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles)

<i>Évaluation initiale*</i> Du 02/08/10 au 10/02/11	<i>Assistance aux parties*</i> Du 10/02/11 au 02/12/11	<i>Conclusion des procédures*</i> Le projet de communiqué est en cours de validation
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Commentaire :

La saisine a été adressée au PCN français en août 2010 par un syndicat français du commerce et de la restauration. Elle relaie des plaintes engagées par des organisations syndicales aux Etats-Unis et en Colombie. La saisine vise le chapitre 4 (emploi et relations professionnelles) sur deux aspects : la liberté d'association des salariés (1a) et la sécurité et à la santé au travail (4b). Sur la base de cette saisine, l'entreprise a fait l'objet d'une saisine plus large dans plusieurs pays.

Procédure parallèle : Cette condition spécifique a également fait l'objet d'une saisine du PCN Américain par un syndicat américain en 30 juillet 2010.

Confidentialité : Les plaignants (syndicats américains et français) ont communiqué publiquement sur les saisines des deux PCN ce qui contrevient aux recommandations de l'art 14 sur la confidentialité.

Cas 2 :

Secteur d'activité et pays	Textile en Ouzbékistan	
Date de réception de la plainte	22 octobre 2010	
Plaignant/s	Associations	
Nom du(des) plaignant(s)		
Branche d'activité	C – Activités de fabrication	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre II (Principes Généraux) et V (Emploi et relations professionnelles)	
<i>Évaluation initiale*</i> Du 22/10/10 au 02/12/11	<i>Assistance aux parties*</i> En cours depuis le 10/02/11 (enquête parallèle ECCHR)	<i>Conclusion des procédures*</i>
<p>Commentaire : Il s'agit d'une circonstance spécifique particulière dans la mesure où les ONG ont saisi plusieurs PCN au sujet de l'utilisation du coton et des conditions d'emploi des enfants employés dans la production du Coton en Ouzbékistan. Le PCN français n'a été saisi que d'un seul cas en octobre 2010. Le traitement de ce cas a été subordonné à la transmission d'informations complémentaires du ECCHR, ce à la demande du plaignant. Cela a entraîné un certain délai. En effet, l'enquête complémentaire n'a été communiquée au secrétariat du PCN qu'en avril 2012. L'assistance aux parties se poursuit.</p> <p>La saisine vise deux chapitres : II principes généraux (1 développement, 2 droits de l'homme, 10 sous-traitant et 11 ingérence) et V Emploi et relations professionnelles (1b travail des enfants et 1c travail forcé).</p> <p>Saisines parallèles : D'autres PCN ont été saisi par les ONG. Le PCN Britannique a publié un communiqué final le 11 juillet 2011 clôturant la saisine du ECCHR suite à l'accord intervenu entre les parties.</p>		

Cas 3 :

Secteur d'activité et pays	Secteur de l'hôtellerie au Canada et au Bénin
Date de réception de la plainte	8 novembre 2010
Plaignant/s	Syndicat
Nom du(des) plaignant(s)	

Branche d'activité	I – Activités d'hébergement et de restauration	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles)	
<i>Évaluation initiale*</i> Du 08/11/10 au 10/02/11	<i>Assistance aux parties*</i> En cours depuis le 10/02/11	<i>Conclusion des procédures*</i>
<p>Commentaire : Cette circonstance spécifique est complexe du fait d'une procédure judiciaire au Canada. Le PCN français est en contact avec le PCN canadien. La condition spécifique fait référence à un problème plus large rencontré par d'autres entreprises au Canada et aux Etats-Unis. Malgré les efforts, les tensions dans les relations sociales des établissements au Canada n'ont pas encore permis d'adopter un communiqué. L'assistance aux parties se poursuit.</p> <p>Procédure parallèle : En réponse à la demande de renseignements adressée par le secrétariat du PCN français, le PCN canadien a communiqué des éléments concernant les procédures en cours devant la Commission des relations de travail de l'Ontario. Les procédures sont en cours.</p>		

Cas 4 :

Secteur d'activité et pays	Agriculture / agro-industrie au Cameroun	
Date de réception de la plainte	3 décembre 2010	
Plaignant/s	Association	
Nom du(des) plaignant(s)		
Branche d'activité	A - Agriculture, sylviculture et pêche	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles) ; Chapitre VI (Environnement)	
<i>Évaluation initiale*</i> Du 03/10/10 au 05/07/11	<i>Assistance aux parties*</i> En cours depuis le 05/07/11	<i>Conclusion des procédures*</i>
<p>Commentaire : Le PCN a rencontré des difficultés dans l'analyse de la recevabilité de cette condition spécifique eu égard à la structure capitaliste complexe de l'entreprise ; le contrôle effectif de l'entreprise concernée par la multinationale s'est avéré particulièrement difficile à juger.</p> <p>Confidentialité : un problème de confidentialité est également apparu du fait du plaignant qui a donné</p>		

beaucoup de visibilité à l'affaire. Cela soulève la question de la communication sur une condition spécifique lorsqu'une partie ne respecte pas le fonctionnement du PCN.

Ces deux éléments expliquent la difficulté de progresser rapidement sur ce dossier.

Cas 5 :

Secteur d'activité et pays	Agriculture / agro-industrie aux Etats-Unis	
Date de réception de la plainte	15 février 2011	
Plaignant/s	Syndicat	
Nom du(des) plaignant(s)		
Branche d'activité	A - Agriculture, sylviculture et pêche	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles)	
<i>Évaluation initiale*</i> Du 15/02/11 au 04/10/11	<i>Assistance aux parties*</i> En cours	<i>Conclusion des procédures*</i> Le projet de communiqué est en cours de validation
<p>Commentaire : Le traitement de cette condition spécifique n'a pas conduit à des difficultés spécifiques, l'entreprise et les plaignants acceptant les bons offices du PCN français. Cela a permis au PCN d'élaborer un projet de communiqué prenant acte de l'accord conclu aux Etats-Unis entre la société et les organisations syndicales représentatives. Ce projet est en cours de validation.</p> <p>Procédure parallèle : Le PCN américain a été saisi conjointement par les syndicats le 6 janvier 2011.</p>		

Cas 6 :

Secteur d'activité et pays	Métallurgie en France
Date de réception de la plainte	28 février 2012
Plaignant/s	Syndicat
Nom du(des) plaignant(s)	

Branche d'activité	C – Activités de fabrication	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles)	
<i>Évaluation initiale*</i> Du 28/02/11 au 18/11/11	<i>Assistance aux parties*</i> En cours	<i>Conclusion des procédures*</i>
<p>Commentaire : Le traitement de cette condition spécifique est rendu particulièrement délicat du fait de la multiplicité des procédures parallèles en cours en France. La saisine, qui vise une multinationale américaine, mentionne le chapitre des principes directeurs relatif à l'emploi et aux relations professionnelles pour un cas de fermeture d'une entité entraînant des licenciements collectifs. Le PCN américain n'a pas été saisi par les plaignants.</p> <p>Procédure parallèle : plusieurs juridictions ont été saisies en France de cette affaire : deux tribunaux de grande instance, un tribunal correctionnel, le Conseil des Prud'hommes, un Tribunal de Commerce. Par ailleurs, le PCN français communiquera la saisine au PCN américain en lui demandant de la transmettre la multinationale concernée. L'existence de multiples procédures parallèles constitue une réelle difficulté, posant la question de la plus-value potentielle du PCN dans ce type d'affaires.</p>		

Autre condition spécifique :

Secteur d'activité et pays	Secteur de la distribution d'eau aux Etats-Unis	
Date de réception de la plainte	08 juin 2011	
Plaignant/s	Syndicat	
Nom du(des) plaignant(s)		
Branche d'activité	E – Distribution d'eau, réseau d'assainissement, gestion des déchets et activités de remise en état	
Raison sociale de l' (des) entreprise(s)		
Disposition(s) des Principes directeurs invoquée(s)	Chapitre V (Emploi et relations professionnelles)	
<i>Évaluation initiale*</i> Du 08/06/11 - En attente de la décision du PCN américain	<i>Assistance aux parties*</i> En cours	<i>Conclusion des procédures*</i> En cours

Commentaire : Le PCN français a été saisi uniquement pour information par le PCN américain qui n'a pas encore statué sur la recevabilité de la condition spécifique.
 Le PCN américain a relayé auprès du secrétariat du PCN une demande d'un syndicat américain visant à ce que le PCN français saisisse l'entreprise concernée. Le PCN français considère que le PCN américain est chef de file dans ce dossier.

11. Pour chaque requête relative à une circonstance spécifique reçue, en cours d'examen, ou résolue au cours de la période couverte par le rapport, veuillez répondre aux questions suivantes.

<i>A. Évaluation initiale</i>	
a.	Quelles questions pratiques sont apparues lors de l'évaluation initiale de la requête ? Comment les informations relatives à la circonstance spécifique ont-elles été rassemblées ? L'accès à des informations fiables, ou la protection de la confidentialité des données ou de l'identité des parties ont-ils posé problème ?
b.	Les questions soulevées dans le cadre de circonstances spécifiques faisaient-elles l'objet de procédures parallèles ? Dans l'affirmative, quelle était la nature de ces actions ? Les deux parties y étaient-elles engagées ? Dans quelle mesure cette procédure parallèle a-t-elle influé sur la procédure de circonstance spécifique ? Le PCN a-t-il consulté les institutions menant les procédures parallèles ?
c.	À l'issue de l'évaluation initiale, la circonstance spécifique a-t-elle été acceptée ? A-t-elle été transférée à un autre PCN ? Si la demande n'a pas été jugée recevable, veuillez indiquer les motifs de cette décision.
d.	Le PCN a-t-il publié un communiqué/rapport sur sa décision quant à la recevabilité des questions soulevées ou sur le fait que les questions soulevées ne méritent pas d'être approfondies ? Si oui, a-t-il été diffusé uniquement auprès des parties concernées ou rendu public ? Veuillez préciser.

<i>B. Assistance aux parties</i>	
a.	Si une procédure de conciliation ou de médiation a eu lieu, ces services ont-ils été fournis sans frais aux parties ?
b.	Sous quelle forme le PCN a-t-il offert ses « bons offices » ?

<i>C. Conclusion des procédures</i>	
a.	Les parties sont-elles parvenues à un accord sur les questions soulevées ? Veuillez préciser.
b.	Si les parties sont parvenues à un accord, le PCN a-t-il publié un rapport présentant les résultats de la procédure ? Sous quelle forme cet accord a-t-il été rendu public (communiqué de presse, publication sur le site internet...) ?

c.	Si les parties ne sont pas parvenues à un accord, le PCN a-t-il publié un communiqué mettant un terme à la procédure ? Veuillez préciser le cas échéant.
d.	Le communiqué contenait-il des recommandations sur la mise en œuvre des <i>Principes directeurs</i> ? Contenait-il des dispositions relatives au suivi de la mise en œuvre de ces recommandations ? Le cas échéant, veuillez préciser.
e.	Sous quelle forme le communiqué a-t-il été rendu public (publication dans la presse, sur le site internet...)?
f.	Le PCN a-t-il été contacté par les parties après la conclusion de la procédure? Veuillez préciser.
g.	Le communiqué contenait-il d'autres informations sur la mise en œuvre des <i>Principes directeurs</i> ? Le cas échéant, veuillez préciser.

<i>D. Coordination entre les PCN</i>	
a.	La question était-elle multi-juridictionnelle et impliquait-elle d'autres PCN ? Si oui, veuillez préciser.
b.	Si la circonstance spécifique concerne plusieurs pays adhérents, le PCN du pays d'origine et le PCN du pays d'accueil se consultent-ils ? Veuillez donner des informations détaillées.
c.	A-t-on désigné un PCN principal ?
d.	Tous les PCN concernés traitent-ils la requête ou chacun traite-t-il certains points séparément?

<i>E. Calendrier</i>	
	Quelle a été la durée de la procédure de circonstance spécifique? Plus précisément, quelle a été la durée respective des trois étapes (1. Évaluation initiale ; 2. Assistance aux parties, et 3. Conclusion des procédures) ?

<i>F. Divers</i>	
a.	La question soulevée concernait-elle des activités exercées dans un pays non adhérent ?
b.	La question soulevée concerne-t-elle une relation commerciale spécifique (fournisseur, sous-traitant...)?
c.	Le PCN du pays d'origine a-t-il pris contact avec la maison mère de l'entreprise impliquée dans la circonstance spécifique ?
d.	Le PCN souhaitera-t-il apporter des informations supplémentaires sur les circonstances spécifiques examinées ?

D. AUTRES QUESTIONS RELATIVES À LA MISE EN ŒUVRE DES PRINCIPES DIRECTEURS

12. Agenda proactif – « Conformément à « l’agenda proactif » du Comité de l’investissement, les PCN doivent rester en contact régulier, notamment par le biais de réunions, avec les partenaires sociaux et les autres parties prenantes (...) » (Commentaire sur les procédures de mise en œuvre, I.18).

- a. Le PCN a-t-il organisé ou prévu des activités s’inscrivant dans l’agenda proactif du Comité de l’investissement (séminaires et/ou conférences sur des questions spécifiques relatives aux *Principes directeurs*, publications ou manuels d’information) ?
- b. Quels sont les éléments de l’agenda proactif qui méritent une attention particulière dans votre pays ?

13. Apprentissage mutuel – « Outre qu’ils doivent contribuer aux travaux d’amélioration de l’efficacité des Principes directeurs, les PCN devront prendre part à des activités conjointes d’apprentissage (...) et d’examens mutuels. (...) Cet apprentissage mutuel peut se dérouler dans le cadre de réunions organisées à l’OCDE ou passer par une coopération directe entre les PCN. » (Commentaire sur les procédures de mise en œuvre, I.19).

- a. Le PCN a-t-il participé à des activités d’apprentissage mutuel avec d’autres PCN ? Veuillez préciser.

Le PCN France n’a pas participé à des activités d’apprentissage mutuel mais est en contact avec d’autres PCN autant que besoin et quand des possibilités de coopération se présentent.

- b. Le PCN serait-il prêt à participer à une « évaluation mutuelle volontaire » ? Dans les douze prochains mois ? Ultérieurement ?

Le PCN France est favorable à la mise en place d’un système d’évaluations mutuelles par les pairs mais souhaite que l’ensemble des PCN soient associés à ces exercices, afin que chacun bénéficie des échanges de bonnes pratiques et des incitations à mettre en œuvre les principes de bon fonctionnement. A titre expérimental, le PCN avait participé à l’évaluation du PCN des Pays Bas en 2009.

14. Souhaitez-vous faire part de toute autre information sur la nature et les résultats des activités des PCN au cours de ce cycle de mise en œuvre de la nouvelle version des *Principes directeurs*, notamment de toute expérience utile et/ou difficulté rencontrée dans l’accomplissement des missions du PCN ?

15. Travaux futurs. Quelles sont les questions susceptibles de mériter une attention particulière au cours du cycle 2012-2013 de mise en œuvre des *Principes directeurs* ? Veuillez préciser le cas échéant.

E. LES ZONES À DÉFICIT DE GOUVERNANCE, DE CONFLIT OU À HAUT RISQUE

N.B. Si le PCN n'a aucune responsabilité propre concernant le Guide sur le devoir de diligence pour des chaînes d'approvisionnement responsables en minerais provenant de zones de conflit ou à haut risque ou de l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises multinationales opérant dans les zones à déficit de gouvernance, il est invité à consulter les agences publiques concernées.

Guide sur le devoir de diligence pour des chaînes d'approvisionnement responsables en minerais provenant de zones de conflit ou à haut risque¹

Le 25 mai 2011, la réunion du Conseil de l'OCDE au niveau des Ministres a adopté une Recommandation relative au *Guide sur le devoir de diligence pour des chaînes d'approvisionnement responsables en minerais provenant de zones de conflit ou à haut risque* (ci-après « le Guide ») [C(2011)49]. Conformément à cette Recommandation, les pays adhérents à la Déclaration sur l'investissement international et les entreprises multinationales sont invités à promouvoir activement l'observation de ce *Guide*, qui a été approuvé par le Comité de l'investissement et par le Comité d'aide au développement de l'OCDE en décembre 2010.

1	Comment le <i>Guide</i> a-t-il été diffusé et son observation activement promue parmi les entreprises exerçant dans ou à partir de votre pays et s'approvisionnant en minerais dans des zones de conflit ou à haut risque ? Quel organisme public a été activement impliqué ? Quels ont été les moyens utilisés ?
2	Quelles mesures ont été prises pour accompagner activement l'intégration dans les systèmes de gestion internes des entreprises du Cadre en cinq étapes pour l'exercice du devoir de diligence fondé sur les risques, recommandé par le <i>Guide</i> ?
3	Quelles mesures ont été prises pour promouvoir l'utilisation active du <i>Guide</i> par les autres parties prenantes, associations professionnelles, institutions financières et organisations de la société civile ?

Outil de sensibilisation au risque de l'OCDE destiné aux entreprises multinationales opérant dans les zones à déficit de gouvernance²

Le 8 juin 2006, le Conseil de l'OCDE a adopté l'*Outil de sensibilisation au risque de l'OCDE destiné aux entreprises multinationales opérant dans les zones à déficit de gouvernance* [C(2006)127] et a recommandé la plus large diffusion possible de l'*Outil* par les pays adhérents et son utilisation active par les entreprises multinationales et les autres parties concernées.

4.	<i>L'outil de sensibilisation au risque de l'OCDE destiné aux entreprises multinationales opérant dans les zones à déficit de gouvernance</i> continue-t-il d'être diffusé ou y est-il fait référence sous quelque forme que ce soit dans le cadre des interactions avec les entreprises et les parties prenantes ? Veuillez préciser.
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¹ <http://www.oecd.org/dataoecd/62/33/46741124.pdf>

² <http://www.oecd.org/dataoecd/26/22/36885830.pdf>

5.	Avez-vous des informations sur l'utilisation de cet instrument par les investisseurs dans les zones à déficit de gouvernance ?
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GERMANY / ALLEMAGNE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Federal Ministry of Economics and Technology, Division VC3	Monopartite, with close inter-ministerial cooperation	Responsible Division, but which consults its respective counterparts in the Federal Ministries concerned with the OECD Guidelines. These ministries are 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	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	Ministerial, i.e. Head-of-Department, State-Secretary, Minister	Bundesministerium für Wirtschaft und Technologie Nationale Kontaktstelle für die OECD-Leitsätze für multinationale Unternehmen Referat VC3 Scharnhorststr. 34-37 10115 Berlin oeed-nks@bmwi.bund.de or buero-vc3@bmwi.bund.de

			<p>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.</p>		
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* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The Federal Ministry of Economics and Technology is within the German governmental system competent for questions related to the OECD Investment Committee which elaborated the Guidelines.

The general purpose of the Guidelines is to foster fair investments as a tool of the OECD Declaration of Investment. Accordingly, the Federal Ministry of Economics and Technology takes the leading role in the structure of the German National Contact Point.

At the same time, the Guidelines contain recommendations beyond economic areas of responsibility (environment, corruption, labour rights, etc.); these departmental aspects are taken into account in the work of the National Contact Point by the cooperative inclusion of other ministries which are competent in those branches of the Guidelines.

The Federal Ministry of Economics is concerned with the support of foreign economic affairs and thus

with the reputation of its investors abroad. It takes for this reason any complaints against German investors for violation of the Guidelines very seriously.

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3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

The NCP is placed within the government, while the German government has a strong interest not only to promote its companies abroad, but also human rights, good governance, health and security and other factors which contribute to a positive development of countries through economic relations.

As hinted above, the expertise for the broad range of issues is guaranteed by the inclusion of other competent ministries which can properly assess the factual implications of a question at hand. This inclusion serves to incorporate different views, so that the members of the NCP need to find a balanced view. The NCP closely consults in all decisions and actions the other ministries.

Additionally, the Working Group includes as appropriate civil society organisations in its work; those organisations are informed in specific instances and are consulted in any relevant question regarding the 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.

Finally, the NCP is organised in such a way that it is ready to surveil its specific instances after their conclusion. For example, the specific instance concerning the Neumann Gruppe GmbH, which was inter alia filed by FIAN Deutschland, was concluded on the 30th March 2011. However, both parties asked for further good offices of the NCP, so that on the 2nd December 2011 the NCP invited both parties for talks.

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4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The NCP has maintained its relations with such representatives. This included meetings, invitations and consultations. In detail:

- In a conference of the German Chambers of Industry and Commerce (DIHK) on the 14th September 2011 the NCP presented its points on standards to be observed in the supply chain with reference to the Guidelines.
- On the 7th November 2011, a meeting of the Working Group of the NCP took place, in which representatives of trade unions, business associations and non-governmental organizations participated. On this occasion, the revised Guidelines were presented in their official German version and the NCP provided an update on topical issues in the Investment Committee, the planned handbook, pending NCP cases and miscellaneous topics.
- The NCP cooperates with DGCN (German Global Compact Network), which is set up by NGOs and the business community, and with which the NCP maintains a standing agreement since 2010 on the submission of specific instances. The DGCN published a leaflet in October 2011 on the Guidelines, the UN Global Compact and the ISO 2600 standard, which was funded by the Federal Ministry of Economic Cooperation and Development.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

Under the aegis of the Federal Ministry of Labour and Social Affairs the government seeks to raise the awareness and implementation of corporate social responsibility (CSR) in Germany and abroad. The government has adopted an action plan which comprises many facets of CSR and relates to relevant international documents (see for further information: <http://www.csr-in-deutschland.de/csr-in-deutschland/aktivitaeten-der-bundesregierung/bmas/aktionsplan-csr-der-bundesregierung.html> or http://www.csr-in-deutschland.de/fileadmin/user_upload/Downloads/BMAS/CSR-IN-GERMANY_Broschuere_2012.pdf; an English version of website is forthcoming).

This initiative takes into account not only the OECD-Guidelines, but implicates inter alia the promotion of the UN Global Compact, UN Guiding Principles for Business and Human Rights, the European Commission's 'A renewed EU strategy 2011 - 14 for Corporate Social Responsibility' and ILO Tripartite Declarations. The Ministry of Labour and Social Affairs is part of the NCP's task force and in this context ensures close coordination and exchange.

Furthermore, the NCP keeps contact with the project "Human Rights, Corporate Responsibility and Sustainable Development" of the Federal Ministry of Economic Relations and Development in their project concerning their cooperation with the University Duisburg-Essen.

According to the German position the instruments mentioned above mutually enforce each other and can be referred to for each others interpretation and implementation. Thus, it serves the purpose of promoting CSR to include the Federal Ministry of Labour and Social Affairs in the NCP and vice versa the NCP in this broader initiative.

6. *"Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices."* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The German NCP is based in a division in the Ministry of Economics and Technology which is also competent for the subject matters relating to investment, development banks and dept swaps. As it is Germany's obligation to guarantee the workability of the NCP, the division is internally always organized and staffed in a way which allows it to cover all its tasks.

In addition to the Head-of-Division there is always at least one main responsible person for the OECD-Guidelines.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes, see http://www.oecd-nks.de or http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/nationale-kontaktstelle-oecd-leitsaetze.html ; both links are easily to be found through a web search engine.
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	A German translation of the Guidelines is available on the internet presence of the Federal Ministry of Economics and Technology, other Federal Ministries and the OECD BERLIN CENTRE. A German translation of the revised Guidelines is made available in a printed edition. Furthermore, a leaflet about the Guidelines is posted on the website of the Federal Ministry of Economics. (“Verantwortliches unternehmerisches Handeln im Ausland”, see http://www.bmwi.de/BMWi/Redaktion/PDF/Publikationen/br-oecd-flyer.property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf) The leaflet has been translated in English, too (Responsible Business Conduct in a Global Context, see http://www.bmwi.de/English/Navigation/Service/publications,did=443004.html).
	A print version of the Guidelines has been made available to 230 German Embassies and Consulates world-wide, along with the recommendation to contribute to their further dissemination in guest-countries, whenever and wherever appropriate.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes, it was made available online in English.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	A printed Annual Report of the NCP is so far not a tool for the promotion of the Guidelines in Germany; the NCP disposes over printed versions of the Guidelines in German which are made available on adequate occasions.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?

	<p>There is no obligation for a regular report, but as an integrated part of the government, the NCP remains accountable to the Parliament. Therefore the NCP is subject to parliamentary control of the Bundestag (Federal ‘Lower House’ of the Parliament) Individual Members of Parliament or Parliamentary Groups have the right to ask oral and written questions with regard to the activities of the NCP. The Bundestag has made use of these possibilities towards the NCP several times, especially during the update process of the Guidelines.</p> <p>There have been various Parliamentary questions which specifically concern the Guidelines, but also general questions on the Foreign Trade Policy of Germany include on a regular basis certain separate issues with regard to the Guidelines and their implementation in Germany.</p> <p>Furthermore, as being placed within the governmental hierarchy the NCP may be required to report any time to higher governmental instances, too.</p>
f.	<p>Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.</p>
	<p>The Federal Ministry of Economic Affairs is funding research institutions which conduct research on the topic of CSR, as well. The Institute for Research on Medium-Sized Businesses (Institut für Mittelstandsforschung) did for instance research on acceptance of CSR-tools in German businesses and the impact and sense of economic policy concerning CSR. However, the NCP did not collect any data specifically on the Guidelines.</p>

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>The NCP follows a promotional plan based on the idea of presence and openness.</p> <p>The Guidelines are presented to the public / to stakeholder representatives; this implies exchange and networking with interested groups, individuals, research institutions and stakeholder. The NCP aims hereby at being associated not only with the Guidelines but with the topic of CSR and other related topics and to be one of the main respective contact points. Emphasis is made on the importance and uniqueness of the Guidelines with regard to the implementation and monitoring of CSR principles laid down in the Guidelines. This does not only contribute to the general awareness of the existence of the Guidelines, but helps to be integrated in the respective community dealing with the Guidelines and related issues.</p> <p>Furthermore, the NCP is open beyond the organised civil society to any interested group or person</p>

	<p>having questions with regard to the activities of the NCP. That is why the German NCP is for example not hesitant to reply to any enquiries from the research community, i.e. researchers, students and institutes which provide for a certain leverage concerning the promotion of the Guidelines. In the reporting period there have been enquiries for doctoral thesis, papers and articles which have been processed with due care.</p> <p>The German NCP remains itself open to any indications and insights from those entities. In any outward contact the NCP encourages the exchange of information and insights.</p> <p>More specifically:</p> <p>The Guidelines appear on the webpage www.csr-in-germany.de of the Federal Ministry of Labour and Social Affairs. It is the central page for the comprehensive action plan of the Federal Government to foster CSR in Germany and contains CSR-related activities of all ministries.</p> <p>A regularly updated website of the German NCP is maintained and is easily found in the internet if the Guidelines are looked for in the context of Germany. It includes any information of the NCP which may be made public.</p> <p>Moreover, to give a short overview about the Guidelines and their implementation the short leaflet in German and in English, “Verantwortliches unternehmerisches Handeln im Ausland” (see above), is updated and gives a summary introduction to the Guidelines and its purposes and functioning.</p> <p>Three written scientific enquiries have been replied to and one interview in the context of a doctorate thesis was given on the Guidelines and the German approach towards the Guidelines.</p> <p>The NCP brought in a guest contribution on the Guidelines from the state secretary Hans-Joachim Otto of the Federal Ministry of Economics in a publication concerning “Responsible Business Conduct in a Global Context” of the Federal Ministry of Labour and Social Affairs.</p> <p>During the national alignment the NCP promoted the reference of the Guidelines as the most advanced CSR instrument in the EU-Statement for the 'UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises'. At the initiative of the NCP, the Guidelines were presented in the same way in a speech given by Chancellor Angela Merkel on the occasion of the Annual Report 2011 on the Global Compact.</p> <p>Within the governmental organisation the NCP also supports and helps coordinating any outreach initiative for the further promotion and adherence of the Guidelines through developmental policy tools. Any related topic of the Ministry of Economics and Technology is tried to be linked publicly with the Guidelines.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>At a conference in Bremen of the German Chambers of Industry and Commerce (DIHK) on the 14th September 2011 the NCP presented its points on standards to be observed in the supply chain with reference to the Guidelines.</p> <p>The NCP was given the opportunity to present itself and the revised Guidelines by state secretary Hans-Joachim Otto on the occasion of the International Conference on CSR “CSR in International Dialogue” of the Ministry of Labour and Social Affairs (16th December 2011).</p> <p>The NCP participated in the international conference “Rights and Accountability. The way ahead for business and human rights”, which was organised by the University Duisburg-Essen and NGOs. The NCP gave its inputs in the working group concerning the Guidelines.</p>

c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>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.</p> <p>German business promotes the Guidelines within its various activities to mainstream CSR. The Guidelines are promoted by the BDI/BDA internet portal “CSR Germany”. BDA has also published the guide “The 2011 OECD Guidelines for Multinational Enterprises – An Introduction for Business” (jointly with VNO-NCW) in German and English.</p> <p>The German Confederation of Trade Unions (DGB) promotes the OECD Guidelines within the context of CSR on the DGB website.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>All relevant governmental instances are involved in the work of the NCP, as stated above. Moreover, the NCP establishes through the Guidelines a reference point for the comprehensive action plan of the government on CSR.</p> <p>The NCP is always ready to contribute to conferences or any other activity of the government on this topic or related matters (see above).</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>The Guidelines are promoted in this context by the German government’s main website for foreign trade and investment (iXPOS). 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) are making reference to the Guidelines in their areas of work.</p> <p>Investment promotion programs and any other governmental foreign trade aid directs enterprises to the Guidelines and abets them to adhere to them.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering</p>

	countries for raising awareness and promoting the Guidelines?
	German embassies and consulate offices received a printed version of the revised Guidelines.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	<p>The NCP relates to these instruments, as stated above, within the governmental action plan on CSR. 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 are related to 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.</p> <p>Information on the interrelation between the instruments and on important tools available should be provided to companies in a more transparent way. The DG CN has made an overview about three instruments in the context of CSR, namely the UN Global Compact, ISO 2600 and the Guidelines, showing the commonalities and differences of the three instruments.</p>
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	<p>There have been enquiries from the scientific community. Three written research enquiries were made from a researcher and students. Moreover, an interview for a doctorate thesis has been given.</p> <p>The questions addressed the Guidelines in general, their acceptance and the reasons for the German model of implementation or certain cases.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	The NCP has developed procedures for handling specific instances. These are available online and provide information on how to bring a complaint before the NCP. Information on confidentiality, timeframes, eligibilities and other specificities of the procedure are indicated in clear diction. The implemented procedures are available in German, whereas the distinct chapter on procedures is made available in English.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Due to the revision of the Guidelines the procedural guidance for specific instances concerning the German NCP will be updated. The available guidance is nevertheless not in contradiction with the revised Guidelines.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Cotton Sector in Uzbekistan	
<i>Date complaint received</i>	22/10/2010	
<i>Complainant/s</i>	NGO's	
<i>Name of Complainant/s</i>	European Center for Constitutional and Human Rights; Uzbek-German Forum for Human Rights e.V.	
<i>Industry sector¹</i>	Agriculture (A)/Wholesale (G)	
<i>Name of Enterprise/s</i>	Otto Stadlander GmbH/Bremen	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Policies), 1, 2, 10; Chapter IV (Employment and Industrial Relation), 1b, 1c	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 22/10/2010 to 15/04/2011 *From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> From 18/04/2011 to 21/07/2011 *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> From 22/07/2011 to 01/11/2011 * From Conclusion of the procedures to NCP Final Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>Information was gathered through the parties involved, the German Foreign Office, Ministry for Economic Cooperation and Development and the Ministry for Labour and Social Affairs, ILO-Conferences and Reports and the business community “Branchenverband Textil”.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>There have been other negotiations between the parties ending in a declaration of cease and desist with regard to the allegations of the complainant. They ended before the initiation of this specific instance. This is did not influence the proceedings of the NCP.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>It was not rejected; the initial assessment was carefully contemplated.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>After the initial assessment the NCP did not deem it to serve the purpose of the mediation to submit any report on the merits. It asked the parties to submit further information due to issues raised during the initial examination. Before the conclusion of the specific instance no report was made publicly available. However, the final declaration, which was made publicly available, provides information on all examined details.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<p>Yes.</p>

b.	In what form has the NCP provided its good offices?
	In order to avoid any misunderstandings, the NCP informed the company about the formal stage of the specific instance, further steps of the proceeding ahead and asked for clarification with regard to the allegations and the underlying facts. The complainants were asked to provide more information, as well, in order to get a complete picture. Afterwards, the parties were invited to talks in which they should find an agreement with the help of the NCP.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	The parties reached an agreement on the issues raised. The company was not seen to be liable for child labour in Uzbekistan; instead it tried to work against child labour. The parties agreed that the enterprise will undertake further efforts to work against child labour in the context of business unions in which it is a member.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	The report is publicly available in the internet presence of the NCP. Both parties reached an agreement and were very understanding to each other's points and perspectives and issued own press releases with reference to the final report.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	This does not apply to this instance. The final report on the agreement is a comprehensive declaration of both parties on the matter with certain statements of the NCP serving for clarification. In this specific instance the NCP held such a line of action to be most adequate.
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	Among others the company declared to join the UN Global Compact Network; in that network every participating company reports annually about its progresses made in implementing the CSR standards laid down including measures against child labour. The company will organize a training of its employees in order to further sensitise for child labour in its supply chains. Furthermore, the company will report to the NCP about its efforts after a year and intensify its respectable, already existing efforts against child labour.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	See above.

f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	Both parties expressed their gratefulness to the NCP for its good offices; the participating claimant communicated and made public a paper about the procedure with critical comments.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	The final declaration included statements of the NCP on child labour as a topical matter for the government; it contained details of the specific instance and next to the resolution the follow-up of the specific instance.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	Similar complaints were also submitted to the British, French and Swiss NCPs by the complainant.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The British, French, German and Swiss NCPs corresponded regularly on these cases.
c.	Was a leader NCP identified?
	As the similar complaints involved different companies and every NCP was competent for its own case, no leading NCP needed to be found.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	See c.

<i>E. Timeframe</i>	
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)?
	The specific instance took a little bit more than one year. The initial assessment was complex and took 6 months; the assistance took 3 months, the conclusion for a comprehensive declaration took 4 months.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes, Uzbekistan
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	This was inter alia subject to examination. The thoughtful consideration on this can be found in the final declaration.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Does not apply to the instance.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	The NCP congratulates both parties to the declaration and the amicable solution they have found. The NCP accepted deliberately competence for this specific instance, as it considers child labour an essential issue of the Guidelines.

12. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.	
<i>Sector and Country</i>	Telecommunication in USA and Montenegro
<i>Date complaint received</i>	07/07/2011
<i>Complainant/s</i>	NGO's, Trade Union
<i>Name of Complainant/s</i>	Communications Workers of America (CWA), ver.di und UNI Global Union
<i>Industry sector²</i>	Communication (I)
<i>Name of Enterprise/s</i>	Deutsche Telekom AG
<i>Relevant Chapter(s) and</i>	Chapter I.3, I.5; Chapter V.1a, V.4a, V.8

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Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>Paragraph(s) from Guidelines</i>		
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<p><i>Initial Assessment*</i> From 08/07/2011 to 08/008/2011</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> -</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> -</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

13. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	Information was gathered through the complainant.
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	None are known to the NCP.
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	The NCP gave advice and referred the Complainant to the NCPs of the USA , as the NCP of the USA seemed prima facie to be competent for the specific instance. Hence, the Complainant who was

	informed about the competent NCP continued its case in the USA.
d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	The NCP informed why it was not competent for that specific instance. It gave advice what the relevant factors are and indicated the competent NCPs. The NCP of the USA was contacted, as well.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Does not apply.
b.	In what form has the NCP provided its good offices?
	The NCP contacted the NCP of the USA and gave advice on an admissible complaint.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	See Annual Report of the USA.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	See Annual Report of the USA
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	See Annual Report of the USA.
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	See Annual Report of the USA.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?

	See Annual Report of the USA.
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	See Annual Report of the USA.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	See Annual Report of the USA.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	It involved the NCP of the USA.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Even though the case did not concern the German NCP on a technical basis, the NCP contacted the NCP of the USA for an update in order to stay informed.
c.	Was a leader NCP identified?
	The US-NCP.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	See Annual Report of the USA.

<i>E. Timeframe</i>	
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)?
	The initial assessment took 1 month in Germany, before it was handed over to a competent NCP.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes, the case hinted at a specific instance in Montenegro, which was not further substantiated.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	See Annual Report of the USA.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	See Annual Report of the USA.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	See Annual Report of the USA.

D. OTHER IMPLEMENTATION ISSUES

14. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	The NCP endorses the Proactive Agenda. Therefore the NCP kept contact with social partners and stakeholders and widened its network. For details please look at the indications at point 8 a.
b.	What proactive agenda issues deserve particular attention in your country?
	The NCP took the opportunity in a conference of the German Chambers of Industry and Commerce (DIHK) on the 14 th September 2011 to present implications of the Guidelines for the supply chain of companies.

15. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	Yes, the German NCP participated in the Voluntary Peer Review of Japan’s NCP in Tokyo from the 17 th -19 th April 2012
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?

16. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	<p>The German NCP appreciates the attention on issues of the Guidelines in stakeholders’ activities (like the DIHK and BDA).</p> <p>Moreover, the German speaking countries (Austria, Germany, Switzerland) have met on the 30th September 2011 in order to discuss the relevant issues of translations and other organisational matters; it was a fruitful encounter and exchange with regard to the practices of the respective NCPs.</p>

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17. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

The process of elaborating a handbook on the Guidelines deserves particular attention not only by individual NCPs, but the OECD Secretariat should take a leading role in coordinating a related effort.

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas³

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	<p>The German Mineral Resources Agency (DERA) at the Federal Institute for Geosciences and Natural Resources (BGR) has organized a workshop in October 2011 with company associations and informed companies from different sectors (electronics industry, automotives, chemical industries and others) on requirements of due diligence for responsible supply chains of minerals including the respective <i>Guidance</i>. In working groups companies from different sectors discussed their approaches and how this relates to their management systems.</p> <p>Furthermore, companies have been informed through several presentations of DERA/BGR at meetings of company associations. DERA also answered several direct requests by companies on due diligence of supply chains, also referring to and pointing out the requirements of the <i>Guidance</i>.</p> <p>The website of BGR on mineral certification refers to the website of the above mentioned guidance.</p>
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	DERA/BGR informed on due diligence requirements including the OECD <i>Guidance</i> on several conferences and panels with other stakeholders in Germany.

³ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁴	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	The BGR started a pilot programme on the certification of extracted minerals in the DRC and Rwanda. The referred Certified Trade Chains Standard (CTC) was applied in this context. The CTC is deducted from the OECD Guidelines for Multinational Enterprises, Risk Awareness Tool, and Due Diligence Guidance for Responsible Supply Chain Management of Minerals from Conflict-affected and High-risk Areas.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	There is no information at hand momentarily.

⁴ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

GREECE / GRÈCE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Contact details
MINISTRY FOR DEVELOPMENT, COMPETITIVENESS & SHIPPING (YPANAN) GENERAL DIRECTORATE FOR INTERNATIONAL ECONOMIC POLICY DIRECTORATE FOR INTERNATIONAL ECONOMIC DEVELOPMENTS & COOPERATION	Monopartite	Unit “International Investments”	Ermou & Kornarou 1 GR-105 63 ATHENS Tel: +30210-328 62 43 Fax: +30210-328 62 09 e-mail: hncp@mnec.gr

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

Administrative reasons. Future changes could be contemplated after our Service will have reached its definitive form (pending revision of the organizational structure of the Ministry).

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

- We are in contact with the **Hellenic Network for Corporate Social Responsibility**, exchanging information on developments in CSR such as “The renewed EU strategy 2011-2014 for Corporate Social Responsibility”.
- In the context of our cooperation with the **Global Compact Network Hellas**, we followed the “2012 Meeting: Human Rights & Anti-Corruption” (1st Regional Meeting of the South-East Europe Global Compact Local Networks) organized by it. The meeting focused on the identification of social and environmental challenges faced by the Local Networks of the region, and their members, and the possibilities of collaboration and mutual help in solving them; on the analysis, by experts, of the importance of Human Rights and Corruption, and the role businesses could play; on sharing good practices implemented by companies of the region and exchanging views on sustainable development etc.
- We participated in the meeting concerning the: “Government Social Responsibility within the framework of the European GSR Model project (South-East Europe)”, co-organized by the **Hellenic Organization for Standardization (ELOT)**, the European Community Business & Innovation Centre (BIC) of Attica and the Decentralized Administrative Division of Attica. We discussed on the elaboration of the GSR Standard and exchanged views on the feasibility of the implementation of accountability systems and the creation of a governmental organizations network participating in the pilot implementation of the standard.
- We participated in the Annual Corporate Social Responsibility Conference organized by the **American-Hellenic Chamber of Commerce**: “*Building Responsible Companies — Solutions For A Better Tomorrow*”. The conference aimed to build CSR awareness and encourage more companies based in Greece to embrace corporate social responsibility practices establishing a balance between business survival and CSR. Attended by numerous delegates from the corporate world, academicians and NGO’s, it focused on Responsible Leadership and discussed emerging issues and today’s complex challenges resulting in redefined CSR practices.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

Changes to the actual human and financial resources scheme and budget arrangements in general could be contemplated after our Service will have reached its definitive form (pending revision of the organizational structure of the Ministry).

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes. The link for the new Hellenic NCP webpages is: http://www.mindev.gov.gr/?p=6732
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The 2011 Guidelines have been translated into Greek. They are available online -together with an Introductory Note and further information- on the Hellenic NCP’s new webpages, through the portal of the Ministry for Development, Competitiveness & Shipping (YPANAN). A printed version of the Introductory Note together with the link to the online text of the Guidelines and further links to the OECD website, is available in the form of our informational brochure. We keep up revising, reproducing and distributing it to interested parties.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>Cooperation with the Ministry of Foreign Affairs concerning</p> <ul style="list-style-type: none"> – the promotion of the revised <i>Guidelines</i> and the Hellenic NCP’s new webpages through the Ministry’s <i>General Secretariat of International Economic Relations & Development Cooperation</i> portal “Agora” – the information of Greek businessmen abroad about the <i>OECD Guidelines</i>, through the Commercial Sections of the Hellenic Embassies – the distribution of informational material. <p>Furthermore, cooperation with the General Secretariat of Consumers Affairs concerning</p> <ul style="list-style-type: none"> – the promotion of the revised <i>Guidelines</i> and the Hellenic NCP’s new webpages through the General Secretariat’s website – 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 revised <i>Guidelines</i> – the distribution of informational material.
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Information on the <i>Guidelines</i> and the Hellenic NCP and informational material has been provided to</p> <ul style="list-style-type: none"> – Officials from the Ministry of Administrative Reform, the “Internal Control” Unit of the Decentralized Administration of Attica, representatives of the Hellenic Healthy Cities Network and to various delegates from bodies such as the Greek Ombudsman, the Citizen’s Movement-Campaign “NGOs for Institutions” etc., on the occasion of our participation to the meeting organized by the Hellenic Organization for Standardization (ELOT). – Representatives from the business community such as oil refiners and/or distributors (Hellenic Petroleum, JetOil), consumer goods (Diageo, 3E), healthcare/pharmaceutical (Abott, Pfizer, Novartis), telecommunications companies etc. and from the Athens International Airport “Eleftherios Venizelos”, on the occasion of our participation to the

	Annual Corporate Social Responsibility Conference organized by the American-Hellenic Chamber of Commerce .
c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
	We are cooperating with the Hellenic Federation of Enterprises (SEV), the Athens Chamber of Commerce & Industry (ACCI-EVEA) and the Greek General Confederation of Labour (GSEE) for the promotion of the revised <i>Guidelines</i> and the Hellenic NCP's new webpages through their respective websites, eventually for the distribution of informational material on the <i>Guidelines</i> and for the promotion of Corporate Social Responsibility, where appropriate.
d.	How does the NCP promote the Guidelines within Government? Please elaborate.
	We keep up providing relevant information within the new scheme of our Ministry (YPANAN). We set out the <i>Guidelines</i> and the features of the Hellenic NCP in relevant documents addressed to, or in speaking notes for use by, the political leadership and other officials of the Ministry. We are cooperating with the Ministry of Foreign Affairs, the General Secretariat of Consumers Affairs, the Ministry of Labour & Social Security, etc. regarding the promotion of the revised <i>Guidelines</i> and the Hellenic NCP's new webpages through their respective websites, eventually for the distribution of informational material and, for the promotion of Corporate Social Responsibility, where appropriate.
e.	How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation? The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.
	We are in close cooperation with the Invest in Greece Agency, the Export Credit Insurance Organization (ECIO) and the Hellenic Foreign Trade Board (HEPO) for the promotion of the revised <i>Guidelines</i> and the Hellenic NCP's new webpages through their respective websites, eventually for the distribution of informational material and, for the promotion of Corporate Social Responsibility, where appropriate.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	Cooperation with the Ministry of Foreign Affairs concerning mostly the information of Greek businessmen abroad about the <i>OECD Guidelines</i> , and the distribution of informational material, through the Commercial Sections of the Hellenic Embassies the promotion of the revised <i>Guidelines</i> and Hellenic NCP's new webpages through the Ministry's <i>General Secretariat of International Economic Relations & Development</i>

	<i>Cooperation</i> portal “Agora”.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	The Hellenic NCP relates to the Global Compact Network Hellas and to the Hellenic Network for Corporate Social Responsibility.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	The Hellenic NCP has provided analytical information and clarifications on the revised <i>Guidelines</i> and their implementation procedures or on specific <i>Guidelines</i> items to academics, researchers, postgraduate students and, furthermore, to non-governmental organizations and law offices, responding to questionnaires, letters/e-mails, phone contacts.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	The Hellenic NCP provides information through its webpages –both in Greek and English– on the steps that any interested party should follow when raising a specific instance. This information is also available in the informational brochure.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Eventual modifications, as a result of the revised <i>Guidelines</i> in general and of the Procedural Guidance, and any other future change as well, could be contemplated after our Service will have reached its definitive form.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<p>10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.</p>		
Sector and Country	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	dd/mm/yyyy	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
Name of Complainant/s	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
Name of Enterprise/s	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies),1-3; Chapter VI (Environment), 6	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p><i>Initial Assessment*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>

	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?

d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Due to budgetary constraints, the Hellenic NCP focuses mainly on the recasting and reissue of the informational brochure, at the present time.
b.	What proactive agenda issues deserve particular attention in your country?
	Promoting higher levels of awareness of the <i>Guidelines</i> both in the public and the private sector.

13. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	Consecutive changes in the name and structure of our Ministry and, even more, significant budgetary constraints constitute the major difficulties in carrying out the duties of the NCP.

15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with
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² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

	enterprises and stakeholders? Please elaborate.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?

HUNGARY / HONGRIE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry for National Economy	Monopartite	two officials of the Department of International and EU Affairs	on an ad hoc basis	Deputy State Secretariat for External Economic Relations and International Affairs Ministry for National Economy	Mrs. Julianna Pántya Mrs. Orsolya Berecz nkp@ngm.gov.hu +36-1-374-2979

* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The NCP is located in the Department of International and EU Affairs at the Ministry for National Economy. The minister for national economy is responsible for the OECD issues in general, and oversees all aspects of the Hungarian economy. The Department of International and EU Affairs is directly subordinated to the deputy state secretary for external economic relations and international affairs who also acts as the chairman of the Hungarian OECD National Council. The OECD National Council is a high level consultative and coordinating body that consists of high ranking officials of ministries, government agencies and other institutions participating in the OECD's work, with the aim to capitalize on our OECD membership.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP *“provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government”* (Procedural Guidance, I.A.1)

The NCP has regular contacts with several governmental institutions. The NCP is accountable to the Government and, in turn to the Parliament through the minister for national economy. In case an important issue arises, the NCP has the possibility to put it on the agenda of the OECD National Council's meeting.

4. *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The NCP is accessible via internet and telephone and responds to all enquiries from the stakeholders. For example, a meeting was recently held with the representative of a BIAC member organization, the National Association of Entrepreneurs and Employers, in order to discuss the possibilities of setting up a permanent advisory body on the Guidelines.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The National Contact Point has regular contacts with several governmental institutions. In case an important issue arises, the NCP has the possibility to put it on the agenda of the OECD National Council's meeting.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP?

Are changes contemplated for the future? Please elaborate as appropriate.

No institutional changes have been made to the Hungarian National Contact Point. The two-member team of the Hungarian NCP – besides its duties as a National Contact Point – is also in charge of international and OECD issues of the Ministry for National Economy. Despite the heavy workload, the NCP team members do their best to fulfill all the tasks related to the promotion and implementation of the Guidelines.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	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 link is: http://oecd.kormany.hu
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The Guidelines have been translated into Hungarian. Both the English language version of the Guidelines and the Hungarian translation can be downloaded from http://oecd.kormany.hu
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	The NCP Annual Report in English can be downloaded from the http://oecd.kormany.hu website.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	A hard copy of the NCP Annual Report in English is available on request.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	In 2011 all governmental and non-governmental bodies participating in the OECD’s work prepare a report on their OECD-related activity over the period June 2011 - June 2012. This report, which will include a chapter on the Hungarian NCP, will be presented to the government.

f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No.

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	The Hungarian NCP promotes the OECD Guidelines through various initiatives. The NCP team organized an interview for the deputy state secretary for international affairs in a Hungarian daily paper specialized in world economy (Világgazdaság, May 2011) where he announced the adoption of the new MNE Guidelines. The NCP also issued a brochure in Hungarian that gives a short explanation of the Guidelines. The brochure will be accessible for all the relevant stakeholders in printed and in electronic format. The NCP team has created and regularly updates the Hungarian NCPs's website and responds to enquiries from the public.
b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.
	No.
c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
	We send the electronic format of the brochure in Hungarian that provides a short description of the MNE Guidelines to all the relevant governmental and non-governmental organisations with the request to make it available on their website. We also intend to create links to the Hungarian NCP's website in the websites of these organisations. In case of necessity we contact these organisations on an ad hoc basis.

d.	How does the NCP promote the Guidelines within Government? Please elaborate.
	The NCP maintains regular contacts with different government agencies dealing with issues covered by the OECD Guidelines. They have access to the reports of the NCP meetings in the OECD prepared by the Hungarian delegate in Hungarian language. The governmental experts regularly use the http://oecd.kormany.hu website where the information on the NCP is to be found.
e.	How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,...) organized, in matters concerning information and promotion of the Guidelines and their implementation? The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.
	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 Council. 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.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	We are planning to send the brochure on the Guidelines in Hungarian language to the embassies and ask them to promote it during their activity.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	At present the NCP relates to the Global Reporting Initiative within the framework of the OECD initiative on Corporate Disclosure of Climate Change Information. In case an issue arises which has implications for OECD partner organizations or other corporate responsibility instruments, the NCP will cooperate with these organizations.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	The NCP has received inquiries from the Trade Union Advisory Committee, the European Promotional Products Association and research institutions. These institutions asked for general information on the NCP's work and contact data which we provided them.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	In addition to the Guidelines, the NCP website also includes information on the complaint procedures in Hungarian. (http://oecd.kormany.hu)
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	This work has started and is planned to be completed by next year. .

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<p>10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.</p>		
<i>Sector and Country</i>	No specific instance was brought to the attention of the NCP during the reporting period.	
<i>Date complaint received</i>		
<i>Complainant/s</i>		
<i>Name of Complainant/s</i>		
<i>Industry sector¹</i>		
<i>Name of Enterprise/s</i>		
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>		
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p><i>Initial Assessment*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p><i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>Conclusion of the procedures*</i> From dd/mm/yyyy to dd/mm/yyyy</p> <p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>

b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The Hungarian NCP facilitates the work of the USNCP by providing background information on a Hungarian company that submitted a specific instance to the USNCP.
c.	Was a leader NCP identified?

d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	The NCP issued a brochure in Hungarian on the Guidelines. The NCP is planning to organise seminars to promote the Guidelines.
b.	What proactive agenda issues deserve particular attention in your country?
	Procedural Guidance, Commentary, I. 18. point b) support the positive contributions enterprises can make to economic, social and environmental progress

13. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a "voluntary peer review" Within the next twelve months? Later on?
	No decision yet.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	No.

15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

The NCP plans to set up an advisory group on the Guidelines, involving experts of governmental and non-governmental bodies, trade unions and employers' organisations, that helps the work of the NCP in the implementation of the Guidelines, and in the future we may establish partnerships with universities, as well.

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the "*Guidance*") [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the "*Guidance*" approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?
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2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
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3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
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² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³	
<p>On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.</p>	
4.	<p>Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.</p>
	<p>The website of the NCP contains information on the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.</p>
5.	<p>Do you have information about the use of this instrument by investors in Weak Governance Zones?</p>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

ISRAEL / ISRAËL

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Foreign Trade Administration, Ministry of Industry Trade and Labor, Israel	Monopartite		Interagency – Reprs. From Ministry of Foreign Affairs, Ministry of Treasury, Ministry of Justice and Ministry of Environmental Protection. Additional governmental entities are invited on a case by case basis.	NA	Tel: 972-2-6662678++ Fax: 02-6662956 : Email: ncp.israel@moital.gov.il
<p>* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> – <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry – <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries – <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s – <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s 					

- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The Ministry of Industry, Trade and Labor and its affiliated bodies are in charge of various matters that are covered by Guidelines. In addition, the Ministry is working closely with the industry, including foreign companies with investments or activity in Israel. The Ministry, being one of the largest in the Government, is well positioned to promote the Guidelines among the industry and also to receive the required cooperation from other governmental and non-governmental entities, inter alia when dealing with specific instances.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

As mentioned in (2), the Ministry and its affiliated bodies are in charge of different matters covered by the Guideline, as follows: Employment and Industrial Relations, Consumer Interest, Science and Technology and Competition. In addition, the Ministry is also the official representative to the Investment Committee and as such coordinates Israel's position with regards to all the matters that are in discussion. The NCP is also a part of the Inter-Governmental Advisory Board to the OECD.

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

- The NCP has disseminated information about the 2011 Guidelines as well as link to the updated website by direct Emails to wide range of stakeholders as well as notification in the Ministry's website.
- Meeting with the Histadrut (General Federation of Workers in the Land of Israel) together with the Ministry's representative to the permanent delegation of Israel to the OECD, and also as part of the Inter-governmental Advisory Board to the OECD.
- Maintaining relations with "Kav LaOved" – an NGO for the protection of employees rights and promotion of labor rights through the Knesset
- Meetings, discussions and ongoing cooperation with "Maala" – Business for Social Responsibility, the central non-profit membership organization in Israel that works with

businesses to develop and implement CSR strategies.

- Meetings, conversations and exchange of information with the Manufacturers Association– on a day to day basis and as needed
- Meetings with advisors to the private sector in the CSR field
- Meetings and initial cooperation with the Corporate Social Responsibility Institute at the Academic Center of Law & Business,
- Participation and ongoing relations with business forums for CSR
- Participation and updating through the Inter-governmental Advisory Board to the OECD

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The NCP is in close coordination with the Ministry of Justice with regards to the OECD Anti-Bribery Convention and any interfaces between the Guidelines and the Convention .

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The new provision has not changed the human resources and budget arrangements for the NCP

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	www.ncp-israel.gov.il
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The 2011 Guidelines were translated to Hebrew and are now undergoing a Translation to Arabic. The Hebrew version is available online.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	The NCP Annual Report is available online , in English
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	The NCP Annual Report has not been disseminated in other means other than the web
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	Although the NCP is not required to report within the Government, it reports to the Foreign Trade Administration Director and the NCP Advisory Body.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	The NCP does not conduct surveys or collect data documenting enterprises’ awareness

8. *“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).*

“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate,

the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)

“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)

a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p>The NCP promotes the Guidelines through the following means:</p> <ul style="list-style-type: none"> Presentations in relevant events and seminars Participation in relevant CSR forums Publication and dissemination of brochures focusing on different aspects of the Guidelines Frequent update of the NCP website Planning seminars and roundtable in the CSR area Ongoing discussions with stakeholders The Guidelines are included in the training program of the Ministry of Foreign Affairs The Guidelines are included in the training programs of the Ministry of Industry Trade and Labor cadets and designated attaches Informing and updating Commercial Attaches in the Ministry's representatives world wide Presentation in "Maala"'s course for CSR managers <p>The NCP also has a long term promotional plan on the Guidelines, that includes, in addition to the above:</p> <ul style="list-style-type: none"> Integrating a lecture about the Guidelines to other academic and professional courses for future and current managers Publishing articles in professional magazines Presenting the Guidelines to relevant companies through one on one meetings or on site presentations

b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>The NCP is planning, together with the Ministry of Justice and the Manufacturers Association, a Seminar about CSR and specifically the 2011 Guidelines and CSR in the supply chain. The Seminar is expected to take place on June 2012.</p> <p>Presentation in the Business Forum for Corporate Responsibility hosted by Strauss Group</p> <p>Lecture to the Ministry of Foreign Affairs cadets as part of their initial training course</p> <p>Lecture to the Ministry of Industry, Trade and Labor designated attaches</p> <p>Presentation in the Siemens Forum for Corporate Responsibility</p> <p>Presentation in the Conference for Corporate Responsibility for the Industry and the Academia in Ort Braude College</p> <p>Lecture in "Maala" course for CSR managers</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The NCP is in ongoing cooperation with the Manufacture Association, and is planning a joint Seminar on June 2012 focusing on the Guidelines. In addition, the NCP has helped in translating a short guide for the Industry and held meetings and discussions with the Israel Association of Electronics and Software Industries. The NCP also works with Maala to identify relevant forums and ways to further promote the Guidelines to the industry.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The NCP promotes the Guidelines within the Government in the following means:</p> <p>Presentation to the trainees of the Ministry of Foreign Affairs and Ministry of Industry Trade and Labor</p> <p>Israel Investment Promotion Center - Updates about the negotiations and the 2011 Guidelines</p> <p>Updates and dissemination of brochures and information to the Commercial Reps. of the Ministry of Industry Trade and Labor worldwide.</p> <p>Updates as part of the Inter-governmental Advisory Board to the OECD</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>

	Both ASHRA (The Israel Foreign Trade Risks Insurance Corporation) and the Investment Promotion Center include information about the Guidelines and a link to the NCP's website, in their websites.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	The commercial Attaches throughout the world, and specifically in emerging markets, are briefed about the Guidelines prior to their assignment and during their stationing, with special reference to non-adhering countries. They are informed with updates and receive all promotional material created by the NCP.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	No
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	During the reporting period, the NCP has not received any enquiries on the Guidelines and their implementation procedures, besides general discussions and questions & answers sessions in the framework of the NCP public presentations, mentioned above.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	The NCP has developed procedures for handling complaints and they are available online in the NCP website, in Hebrew.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	The NCP procedures were modified as a result of the revised Procedural Guidance.

Specific Instances during the Reporting Period N/A

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Ex. Nickel Sector in the Philippines	
<i>Date complaint received</i>	<i>dd/mm/yyyy</i>	
<i>Complainant/s</i>	Business/ Trade Union/ NGO/Individuals/Other interested parties	
<i>Name of Complainant/s</i>	Ex. Future in Our Hands	
<i>Industry sector¹</i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Ex. Intex Resources ASA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Ex. Chapter II (General Policies), 1-3; Chapter VI (Environment), 6	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance received to it being accepted or rejected.</i> <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>*From specific instance accepted to conclusion of the procedures –</i>	<i>Conclusion of the procedures*</i> <i>From dd/mm/yyyy to dd/mm/yyyy</i> <i>* From Conclusion of the procedures to NCP Final Statement issued.</i> <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	<p>The NCP is planning a seminar on CSR in general and the 2011 Guidelines update specifically, together with the Ministry of Justice and the Manufacturers Association. The seminar will take place on June 6th, 2012.</p> <p>On Aug 2011, The NCP published a brochure reviewing and highlighting the main updates of the 2011 Guidelines</p> <p>The NCP has upgraded its website, which now includes various information about the Guidelines and CSR. The website is constantly updated. An announcement about the updated website was disseminated via Email and press releases.</p>
b.	What proactive agenda issues deserve particular attention in your country?
	As a great portion of the Israeli industry is SMEs, supplying to MNEs, issues such as DD in supply chain are an area of interest for us.

13. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	The NCP conferred with the US NCP in order to better understand the NCP's procedures for handling complaints
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?
	At this stage the NCP does not envision engaging in a "voluntary peer review.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	The Israel NCP found that the abundance of instruments in the CSR field and a certain lack of clarity with regards to the place of the Guidelines in the international architecture of CSR tools, create

	confusion and impede the industry's ability to see the added value and take the Guidelines into consideration, as part of its CSR policy.
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15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	
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|--|---|
| | <ul style="list-style-type: none">- Peer learning on promotional activities of the NCP- The relation or correlation between the Guidelines and other CSR instruments |
|--|---|

**E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED
AND HIGH RISK AREAS**

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	The NCP has published and printed a brochure about the guidance. The brochure was handed out in the central event of Israel Association of Electronic & Software industries. The NCP's website includes information and links to relevant websites regarding the <i>Guidance</i> .
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	The NCP is working to promote the Five-Step Framework for Risk-Based Due Diligence by cooperating with Israel Association of Electronic & Software industries and the Manufacturers Association. The Five-Step Framework for Risk-Based Due Diligence is also included, in highlights, in the brochure published by the NCP

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

3	<p>What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?</p>
	<p>The NCP is in contact with the Manufacturers Association and Israel Association of Electronic & Software industries with regards to the Guidance and its implications.</p> <p>The NCP has distributed a brochure in the central event of Israel Association of Electronic & Software industries</p>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³	
<p>On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.</p>	
4.	<p>Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.</p>
	<p>the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is included in the NCP's website</p>
5.	<p>Do you have information about the use of this instrument by investors in Weak Governance Zones?</p>
	<p>no</p>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

ITALY / ITALIE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of the Economic Development - General Directorate for Industrial Policy and Competitiveness	Monopartite	The Italian NCP 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 Advisory Committee, with advisory tasks; 3. the Secretariat, which is in charge of assuring the operational functioning of	the NCP's Advisory Committee has consultative tasks. It is composed by the following Ministries: Foreign Affairs, Environment, Economy and Finance, Justice, Labour and Welfare, Agriculture and Forest, Department of International Trade (MED). By the Conference of Regions. By national trade Unions (CGIL, CISL and UIL). By business associations (Confindustria, Confapi, CNA, Confartigianato) and the Italian association of Chambers of Commerce (Unioncamere) By the National Council on Consumers	No	National Contact Point General Directorate for Industrial Policy and Competitiveness Ministry of Economic Development Via Molise 2 I-00187 Rome Tel: (39-6) 47052561 Fax.: (39-6) 47052109 Email: pcnl@sviluppoeconomico.gov.it Web: http://pcnitalia.sviluppoeconomico.gov.it/

		the NCP.	(CNUC)		
<p>* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> - <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry - <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries - <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s - <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s - <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s - <i>Independent Expert Body</i>: the NCP is composed only of independent experts 					

2. What is the rationale behind the choice of the NCP organisational structure and for possible future changes to this existing structure?

The Italian NCP was implemented by art. 39 of Law 273/2002 and by a further ministerial decrees with the aim to create a simple and streamlined structure.

The choice to locate it within the Ministry of Economic Development is grounded in the belief that:

- Thanks to its role the Ministry of Economic development can favour the inclusion of responsible business conduct principles within policies for sustainable growth, thus spurring a positive approach to the Guidelines by the business sector
- The principles of *visibility, accessibility, transparency and accountability* are, per se, principles guiding the action of the Public Administration whose role is to mediate between different interests with the objective of pursuing the common well being

At present it is not envisaged a change in the structure of the NCP. We should remind the recent enlargement (last year) of the NCP Committee, improving its representativeness. The NCP Committee is actively engaged in all NCPs decision making processes, including specific instances’ procedures.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

The structure of the Advisory Committee of the NCP, that includes representative of the relevant Ministries, local institutions, business and labour organizations, allows the NCP to deal with all the issues covered by the Guidelines, as the selection of the bodies called in reflects all the issues and interests covered by the Guidelines.

All the main issues are debated within the Advisory Committee, where the relevant stakeholder interests and views are considered Also the specific instances are debated therein before the final statement is issued.

Nonetheless, the person in charge for taking the NCPs decisions with external relevance is a governmental General Director, and this assures the due accountability to the adhering government.

4. *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

As mentioned above, the stakeholders are part of the NCP formal structure: the Advisory Committee (see point 3) meets at least four times a year. Please note that also non-members representatives of the relevant interests can be invited to join the Committee meeting.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The NCP cooperate with many institutional initiatives on responsible business conduct carried on at national, regional and local level, also thanks to the nearness to the institutions represented in the Committee.

Due to its experience in responsible business conduct, the NCP, has been called to be a co-actor, together with the Ministry of Labour and Social Affairs, in the definition of the Italian Government Action Plan 2013-2014 for the implementation of the Communication of the EU Commission COM(2011) 681 on CSR. This Action plan will include the implementation of the UN Guiding Principles for Business and Human Rights. The NCP will take part in the activities of the High Level group on CSR at the EU Commission.

Furthermore, together with the Ministry of Foreign Affairs the UN Guiding principles will be disseminated both among Italian diplomats and through a national event (presumably at the beginning of 2013).

Cooperation with the Italian Global Compact Network, supported by the Ministry of Foreign Affairs, is in place. This March the NCP took part to the meeting of the network at the MFA, aimed at programming the Italian presence in the Global Compact event in Rio+20 Corporate Sustainability Forum (15-21 June 2012). In April the NCP took part in the UN GC donors' meeting to define cooperation in the production of tools and studies on CSR and in the organisation of dedicated events (for example on human rights and anti-corruption).

The NCP is part of the working group at the Ministry of the Environment, to find out the environmental and social rewarding criteria in public procurement.

Due to the decentralised structure of the Italian administration, one crucial aspect of the NCP strategy is to coordinate the activities its with those of regional and local actors. For this reason, in 2012 the NCP renewed or undersigned new MoU's with Regional Authorities (in 2012 up to now agreements with Emilia Romagna, Lombardia, and Puglia were signed, in the near future MoU's with Veneto, Piemonte and Toscana Regions are envisaged). In brief these agreements, include common actions for the dissemination of the Guidelines - including the specific instances mechanisms - among enterprises, institutions (including regional export agencies) and stakeholders at local level; pilot sectoral projects on the dissemination of due diligence practices, the set up of incentives for virtuous companies, the involvement of regional ECAs in the promotion of the Guidelines.

The NCP is part of the national UNI technical commission on social responsibility of organisations.

In 2011 the NCP took part to the peer evaluation of the implementation of the OECD Anti-Bribery Convention (Phase 3 Report on Italy) by the OECD Working Group on Bribery, hosted by the Ministry of Justice, reporting on the related activities carried out by the NCP and by the Ministry of Economic Development. It also took part in the OECD Environmental Peer Review on Italy.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

For the future it is envisaged one additional human resource working in the NCP Secretariat. As for the budget, at present it is sufficiently endowed to cover the activities of the NCP.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	The Italian NCP has a dedicated bilingual (IT + EN) website: http://pcnitalia.sviluppoeconomico.gov.it/ The web site, according to a request of the NCP Committee and with the aim of making the access to the contents for different types of users easier, will be restyled and re-organised by the end of 2012.
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The 2011 Guidelines have been translated into Italian and made available on the aforesaid website. This version is also made available, by courtesy, on the Italian pages of the Swiss NCP's website. The Italian paper edition of the Guidelines, together with promotional brochure and leaflet, will be printed in May 2012.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	On the website there is a link to the publication of the OECD Annual Report.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No. The Annual Report is available only in English and starting from this year the report will be published on the website of the NCP. Nevertheless the Italian NCP make available on the web site, each year, the programme of work and the results of the previous year. The form of these documents is a power point presentation to make them accessible also for the public, they are published in English and Italian.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The NCP's, activities, as any other activity of the Ministry, are monitored by means of periodical reports at ministerial and government levels, aimed at verifying the efficiency and efficacy of the

	action of the PA. In reports to the Parliament the activity is briefly reported.
f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	<p>Many studies and surveys were conducted over the years on enterprises' awareness on the Guidelines. Collection of data on the use of the Guidelines is considered to be a difficult exercise considering the voluntary nature of the Guidelines and the fact that they do not provide for an adherence declaration or any form of undersigning, as it happens for other instruments (for ex UN GC).</p> <p>Making reference to the data collected in the "sustainability disclosure database" of the GRI (http://database.globalreporting.org), in the reporting period 2011 (referring to the 2010 budgeting period), of the 57 sustainability reports coming from Italian firms ad adopting GRI, 20% made reference to the OECD Guidelines. This result is important considering that many companies made not reference to any international standard or guiding principles. The sectors concerned are automotive, energy, electricity, banking, telecommunications.</p> <p>As for studies following 2009-2010 studies on the responsible conduct of individual firms in 2011 , the NCP focused on business networking (industrial districts, supply chains..). The LUISS University's survey entitled "The business networks as a privileged instrument for the diffusion of a Sustainability System", analysed some problems highlighted by a 2009 survey, such as the mutual expectations of the enterprises and of their stakeholders in the field of responsible business conduct and the role and relevance of the public policies in the development of CSR structured systems in SMEs</p> <p>The cooperation between the NCP and the Bocconi University also led to the research project "Implementing CSR in the supply chain" (2011) aimed at investigating changing dynamics in the managerial models of the value chain.</p> <p>An inquiry carried out in the Ceramic District of the province of Modena allowed the NCP to appraise a good degree of knowledge of the Guidelines among the selected enterprises.</p>

<p>8. <i>"NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public." (Procedural Guidance, I.B.2).</i></p> <p><i>"NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard." (Procedural Guidance, Commentary, I.16)</i></p> <p><i>"Prospective investors (inward and outward) should be informed about the Guidelines as appropriate." (Procedural Guidance, I.B.1)</i></p>	
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p>The NCP action plan is approved yearly by the Advisory Committee upon proposal of the Secretariat.</p> <p>NCP promotional part of the plan aims to diffuse the knowledge and awareness of the Guidelines</p>

	<p>among the institutions, business operators (focussing on SMEs), stakeholders and institutions.</p> <p>The plan contains:</p> <p>promotional activities and materials,</p> <p>provisions on studies and analysis,</p> <p>support instruments for enterprises.</p> <p>In 2012, the Plan is focussed on the new themes of the Guidelines, in accordance with the Investment Committee proactive agenda; namely:</p> <p>Human rights is a central theme, promoted thorough the cooperation with the Ministry of Foreign Affairs,. Besides, a national Agenda on Human rights, in cooperation with all the relevant national actors and according to the UN principles, will be included in the National Action Plan 2013-2014 on CSR, following the EU Commission Communication (see infra)</p> <p>Due diligence in the supply chain is being be emphasizing. Guidance tools have been elaborated or are under way, they all make reference to existing international Guidance and tools. A general Guidance on due diligence has been elaborated and will be diffused through the website and events at local level; a Guidance for the gold sector is under elaboration starting from a survey at national level to examine enterprise conduct; a Guidance for the steel sector is starting to be elaborated;</p> <p>An internet tool on the updated Guidelines was elaborated in cooperation with a consultancy and a business association. It will help SMEs to check the provisions of the Gudelines in relation to each of the themes included in the document. The instrument will be on line between June and July of this year.</p> <p>Extra-financial reporting is promoted thanks to the renewal of a MoU signed by the NCP, the Italian Industry Association and the Italian Bankers' Association, aiming at defining CSR indicators for SMEs - within in the limit of their financial and organisational capacities - to report to the financial institutions their results thus favouring the appreciation on the merit of credit. Following the definition of the network of actors and of operational indicators, pilot activities, based on voluntary adherence of a group of banks and enterprises, are under way to test the reporting system. Besides, a study on the advantages of adopting the "integrated report" will be developed in 2012, with the support of research and advisory institutions.</p> <p>To carry on the plan the NCP counts on the cooperation of:</p> <p>The members of the Advisory Committee, whose represented organisations cooperate in the promotion of the Guidelines.</p> <p>The Regions following the MoUs signed by the NCP with them and also through the Conference-of-Sate-and-Regions representative in the Committee which created a working group within the afore-mentioned Conference technical body.</p> <p>The ECAs in charge of promoting the Guidelines when warranting public aids to the enterprises. ECAs at regional level will be involved in 2012.</p> <p>Different instruments are used to promote the Guidelines both at national and regional level: the web site (including the link to the NCP website in the web sites of cooperating actors); promoting materials (guidelines, brochures, leaflets); thematic and territorial seminars and workshops; conferences.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>In line with the provisions of the NCP promotional Plan, in the reporting period 44 seminars and</p>

meetings on the Guidelines were held by the NCP as follows:

Raise the awareness of Public Institutions and promoting partnership between regional and local institutions and the NCP:

In May-December 2011, 5 events to present the updated Guidelines and the implementation procedures were held in the Marche, Liguria, Emilia Romagna and Puglia Regions. Target groups were local and regional institutions' officials. Other events were organised jointly with institutions and SMEs (see below).

Involve stakeholders and chambers of commerce in the promotion of the Guidelines

In June-September 2011, 2 events to present the updated Guidance and the procedures were held in the Lazio Region. Target groups were officials of the Chambers of Commerce.

In May 2011-April 2012: 20 events on the Updated Guidelines and the implementation procedures, in almost all Italian Regions addressed to stakeholders and official of the Chambers of Commerce

The Guidelines and the industrial sectors

In July 2011- May 2012: 1 launching event at the Ministry of Economic development; 1 national event "at the Genoa International Boat Show"; 9 territorial seminars on the Guidelines and the sustainability of the Shipbuilding sector in the Emilia Romagna, Liguria, Campania, Sardegna, Abruzzo, Veneto, Lazio and Calabria Regions. Target groups: enterprises of the shipbuilding sector.

Promoting the Guidelines among SMEs

In October-December 2011: 5 events on the updated Guidance and implementation procedures in the Campania, Puglia, Sicilia and Calabria Regions. Target groups: SMEs, officials of regional and local Institutions and of regional development Agencies.

Investing in future generations

In May 2011: 1 event at the University of Bologna – master in Fundraising for non profit organisation and public bodies – To present the content of the Guidelines. Target group: students of the Master.

The NCP also brought its contribution to some events of national relevance, related to the issues of business responsible conduct, such as:

(19-20 May 2011) Seventh Annual Forum on Business Ethics and Corporate Social Responsibility in a Global Economy "The Corporation as a Political Actor: a New Role of Business in a Global Society", organised by Politeia. An article, by the NCP Secretariat, was published in the Politeia review on the Update of the Guidelines (n. 103, 2011).

(13 May 2011) "The impact assessment on human rights: a practical tool to promote ethics in the enterprise". Conference organized by Valore Sociale (excellence centre on CSR promoted by Italian stakeholders);

(25 May 2011) opening Conference of the 7th edition of the " Dal Dire al Fare" exhibition on CSR, organised by the Lombardia Region and the Bocconi University. Presentation by the NCP of the study made in cooperation with the Bocconi University on "*Implementing CSR in the supply chain*"

(19 September 2011) Seminar on the updated Guidelines organised by the CGIL (Italian trade union organisation);

(14 October 2011) "Europe, Social Responsibility and Consumers. Observatory on the styles and

	<p>trends of consumption". Fourth edition, meeting organised buy the Consumers' Forum; (26-27 January 2012) Forum on CSR, organised by the Italian Bankers' Association (ABI). During the Forum the MoU (cited above) among ABI – the Ministry of Economic Development and Confindustria (business association) was renewed for 2 years.</p> <p>(16 March 2012) Seminar at the Ministry of Economic Development, with the most relevant NGOs, organised to discuss some shared concerns namely with reference to specific instances procedures, and to clarify some aspects of the updated Guidelines;</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>See the points above in the Report</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>See the relevant points above in the Report</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>The Italian NCP cooperates with SACE (the Italian Agency for export credit). In its CSR strategy SACE engaged to promote the Guideline among business operators and stakeholders.</p> <p>The Italian NCP also involved SIMEST (Company for export financial support), INVITALIA (Inward Investments Agency) and ITALIA (Outward Investments Promotion Agency- formerly called ICE), in its activities.</p> <p>These organisations are disseminating the Guidelines among enterprises asking for public financial support and published them on their websites.</p> <p>Together with the Guidelines they are promoting the Risk-awareness tool.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>Italian Embassies promote the Guidelines among the enterprises operating abroad.</p> <p>Together with the Ministry of Foreign Affairs, further actions will be defined for the promotion of the Guidelines.</p> <p>In the past some information on specific instances were requested to embassies abroad.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</p>

	See point 5 of the Report
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	<p>A meeting with the NGOs has been organised, upon their request, on March 2012, to clarify, among others, specific instances procedures and some aspects of the cooperation among NCP while dealing with specific instances.</p> <p>The NCP received e-mail by graduating or graduated students containing questions on the NCP and the Guidelines and some questions by the general public on disclosure of specific instances results.</p> <p>An enterprises contacted the NCP to know whether the Guidelines are a certificated standard and by what steps, exactly, an enterprises should adopt it.</p> <p>The chairman of the “International Taxation Working Group” of the Italian Industry Association Confindustria, asked to have a meeting with the NCP to clarify the role and the activities of the NCP in the implementation of the updated Guidelines, with particular reference to issues relating to taxes. The meeting will take place on 21st May.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

<p>9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)</p>	
a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	The Italian NCP has developed a procedure for handling specific instances and made it available on the website together with the form to submit the instance (in Italian and English).
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	Yes. In particular, having regard to the new, more detailed provisions on publication and confidentiality.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.

CASE 1 (received in the reporting period)

<i>Sector and Country</i>	Financial sector – Italy; ICT sector (internet provider) – Italian version	
<i>Date complaint received</i>	30/10/2011	
<i>Complainant/s</i>	Individual, former owner of a firm	
<i>Name of Complainant/s</i>	-----	
<i>Industry sector¹</i>	J - Financial intermediation- I - Transport, storage and communications	
<i>Name of Enterprise/s</i>	-----	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Policies), par. A 2 ; Chapter IV (Human Rights), par. 1,2,3,6; Chapter VIII (Consumer Interests), par. 4	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 30/10/2011 to 26/03/2012 The case was rejected (see below) *From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> -----	<i>Conclusion of the procedures*</i> -----

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

CASE 2 (considered in the report period)

<i>Sector and Country</i>	Automotive sector - Italy	
<i>Date complaint received</i>	02/03/2011	
<i>Complainant/s</i>	Trade Union	
<i>Name of Complainant/s</i>	FIOM-CGIL	
<i>Industry sector</i>	D - Manufacturing	
<i>Name of Enterprise/s</i>	Eaton s.r.l.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter IV - 2000 version (Employment and Industrial Relations)	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 02/03 /2011 to 31/03/2011 *From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> From 31/03/2011 to 10/11/2011 *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> On going (see below) * From Conclusion of the procedures to NCP Final Statement issued <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

CASE 1

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the</p>

	parties an issue?
	<p>The case had a long lasting background and had already been treated many times in civil and criminal Courts. The claimant, though referring to Chapter VIII of the Guidelines couldn't be considered a consumer, since at the time of the facts he acted as an entrepreneur. Some of the facts referred to alleged violations of the Guidelines by an internet provider were impossible to appraise.</p> <p>Contacts between NCP and complainant took place. The claimant attached about 900 pages of documents.</p> <p>Not at that stage of the proceedings.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>Many civil and penal final court rulings had already been issued on the case, involving the convened parties, namely the complainant and the financial institution.</p> <p>The NCP did not consult the competent courts, as most of the court proceedings were concluded and the rulings were public.</p> <p>The outcomes of the proceedings against the financial institution did not acknowledged the alleged violations.</p> <p>The enforcement of the proceedings against the complainant is ongoing.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>The request was rejected. For the reasons mentioned above (long-lasting and concluded parallel proceedings, consumer's status, hardly appraisable facts), the NCP considered that an offer of good offices could hardly make a positive contribution to the resolution of the issues raised and could cause a contempt of the court situation.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>The NCP has issued a statement on its decision that the issues raised did not merit further examination and communicated it to the complainant. The statement will be publicly available following the review of the NCP's procedures for specific instances</p>

B. Assistance to the parties

a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
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b.	In what form has the NCP provided its good offices?

C. Conclusion of the procedures

The instance did not merit further examination (initial assessment only)

D. NCP coordination

a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No.

E. Timeframe

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: 4 months

F. Other

a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	No.

d.	Would the NCP care to contribute additional information about the specific instances considered?
	No.

CASE 2

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>No particular issues arose during the initial assessment, except the identification of the relevant facts and the identification of relevant Guidelines' provisions; The complainant offered a quite complete information, so did the counterparty. A non-judicial parallel proceeding before the Ministry of the Economic Development (see below) was on going and that allowed the gathering of further information on the case; The case was a long lasting one, with large media coverage, this made confidentiality issues less stringent; the complainant, a trade union, represented a large group of workers and not an individual.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>A non-judiciary parallel proceedings was open at the Ministry of Economic Development (see below) The issue was addressed also in a parallel proceeding before a civil court. By the time of the assistance of the NCP, that proceeding was closed by an agreement, settling the economic treatment of the dismissed workers. The agreement included the complainant (FIOM) decision to quit the claim and waive the specific instance procedure before the NCP (see also below).</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>It was accepted.</p>

d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	No

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Yes.
b.	In what form has the NCP provided its good offices?
	<p>The instance is about the closure of a industrial plant and the consequent collective dismissal of workers. A non-judiciary parallel proceedings - i.e. a committee to manage the social and economic crisis of the firm -, was open at the Ministry of Economic Development and the competent offices were involved in the exam of the case by the NCP's Secretariat.</p> <p>As said before, at the time of the submission of the specific instance, a court parallel proceedings was open. During the NCP's assistance to parties, the proceedings was closed by an agreement settling the economic treatment of the dismissed workers. The agreement included the waiver of the specific instance by the complainant (FIOM).</p> <p>Afterwards, the complainant alleged that the bad faith behaviour of the counterparty (referring to industrial relations), could jeopardize the agreement. Thus, the NCP convened the parties to verify the effectiveness of the arrangement, first separately (respectively on the 28/09/2011 and on the 19/10/2011) and then together (10/11/2011). Considering that this issue, raised by the complainant, remained open, the NCP asked to the parties to provide further elements.</p> <p>The NCP objective is to further explore the possibility to confirm the agreement previously reached.</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	See above
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website..?

c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate

d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.

e.	How was the statement made publicly available? Through a press release, publication on the website, .?

f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)

g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No. Nevertheless, the NCP of the home country was informed about the specific instance submission.
b.	If the specific instance takes place among adhering countries, are the home and the host

	NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
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d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?
	The specific instance is still ongoing. It took one month for the initial assessment, seven months for the assistance to the parties. The conclusion is on going due to the allegations lately submitted by the complainant, putting into discussion the agreement reached.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	No
d.	Would the NCP care to contribute additional information about the specific instances considered?
	No.

D. OTHER IMPLEMENTATION ISSUES

12. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	Yes. See the relevant points in the Report
b.	What proactive agenda issues deserve particular attention in your country?
	Due diligence in the supply chain

13. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	No.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	Not for the near future.

14. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	No particular difficulties were encountered up to now
15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	
	Implementation of the Guidelines in specific cases/instances (exchange of experiences). Due diligence guidance declined for specific economic sectors. More coordination with other international standards especially with reference to “reporting and disclosure” on CSR for the definition of tools and guidance

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas²

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	In the dissemination activities on the Guidelines reference is also made to the Due Diligence Guidance
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	None, yet. The Guidelines are taken as a reference while defining the due diligence guidances at national level (see also previous sections)
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	See the point above

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones³

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible

² <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

³ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	Together with the Guidelines, the Italian ECAs working with the NCP are promoting the Risk-Awareness Tool.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No.

JAPAN / JAPON

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Foreign Affairs (MOFA)	<i>Interagency</i>	NCP is chaired by a senior government official.	NCP Committee of Japan	—	Tel: (81-3) 5501 8348 Fax: (81-3) 5501 8347 Email: keikokukei@mofa.go.jp Web: http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html and www.oecd-emb-japan.go.jp/kiso/4_1.htm
Ministry of Health, Labour and Welfare (MHLW)					Tel: (81-3)-3595-2403 Fax: (81-3)- 3502-1946 Email: oecdjpn@mhlw.go.jp Web: http://www.mhlw.go.jp/bunya/roudouseisaku/oecd/index.html
Ministry of Economy, Trade and Industry (METI)					Tel: (81-3)-3501-6623 Fax: (81-3)-3501-2082 Email: oecd-shinkoka@meti.go.jp Web: www.meti.go.jp/policy/trade_policy/oecd/index.html
<p>* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> – <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry – <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries – <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s – <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s – <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s – <i>Independent Expert Body</i>: the NCP is composed only of independent experts 					

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The present structure of the Japanese NCP was mainly decided based on the assumption that the majority of specific instances raised to the Japanese NCP would concern the Employment and Industrial Relations of the Guidelines. This assumption turned out to be correct because four out of five specific instances raised to the Japanese NCP are related to the Employment and Industrial Relations.

There is no plan to change the existing structure for the foreseeable future.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

The Japanese NCP believes that its present structure is well balanced; while METI has a role to support Japanese enterprises to extend its appropriate business activities in the overseas market and to support foreign enterprises to invest to Japan as well, MHLW is dealing with labour issues, and MOFA acts as a coordinator of the Japanese NCP. In cases where a special instance is relevant to ministries other than those composing Japanese NCP (MOFA, MHLW and METI), the Japanese NCP will inform the relevant ministries and ask for their views and opinions.

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

In 2008 the Japanese NCP established the NCP Committee of Japan, which is an advisory body of the Japanese NCP. It is composed of Keidanren, Rengo and the Japanese NCP. The Committee met twice in the reporting period. See B.8 b. below.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

Yes, the NCP coordinates with related government activities on responsible business conduct. The OECD division of MOFA, which is a key member of the Japanese NCP, shares information on the Guidelines with relevant ministries and agencies. It consults with different sections of MOFA, such as the sections that deal with the UN Commission on Human Rights, ILO, ISO, international laws and regulations and other dimensions related to the Guidelines. The similar internal communication is also secured at METI and MHLW.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

Regarding financial resources, the Japanese NCP does not have an exclusive budget earmarked for the NCP activities. However, the Japanese NCP does not see a serious need for an increase of its resources to deal with its NCP activities at this stage.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. “The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes, it has a dedicated website, http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html .
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes, the 2011 Guidelines have been translated into Japanese soon after the endorsement at the OECD Ministerial Meeting 2011. They are available on the MOFA websites at http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html , on the OECD Tokyo Centre website http://www.oecd-tokyo2.org/pdf/theme_pdf/finance_pdf/20110902mneguidelines.pdf and on the Rengo website http://www.jtuc-rengo.or.jp/kokusai/takokusekikigyuu/index.html . A printed Japanese version is also available. Rengo translated the 2011 Guidelines, for themselves, into Vietnamese before August 2011.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	No.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No. The Guidelines is referred as one of the resource documents of Keidanren’s <i>Charter of Corporate Behavior and its Implementation Guidance</i> (The Charter together with its Guidance is

<p>about 100 pages in English and it is available at http://www.keidanren.or.jp/english/policy/csr/tebiki6.pdf). An enterprise which applies to be a Keidanren member is requested to adhere to the Keidanren's <i>Charter of Corporate Behavior and its Implementation Guidance</i>.</p>

8. "NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public." (Procedural Guidance, I.B.2).

"NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard." (Procedural Guidance, Commentary, I.16)

"Prospective investors (inward and outward) should be informed about the Guidelines as appropriate." (Procedural Guidance, I.B.1)

a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
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The Japanese NCP promotes the Guidelines mainly through speaking at special meetings, seminars, conferences and information sessions organized by different stakeholders including the three major business associations in Japan, namely Keidanren, Japan Association of Corporate Executives (Keizai Doyukai) and Japan Chambers of Commerce and Industry (JCCI) as well as Rengo.

The occasion of the voluntary peer learning/review of Japanese NCP from April 17 to 19, 2012 provided a good opportunity for the Japanese business, labour unions and NPOs to further understand the Guidelines and their implementation procedure.

b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.
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Yes, the Japanese NCP participated as a guest speaker in meetings/seminars/conferences to promote the updated Guidelines organized by Keidanren, Rengo, the Sustainability Forum Japan, and the UN Global Compact Japan Network etc.

c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
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The Japanese NCP maintains close relationships with its stakeholders. Rengo made use of its network in Vietnam and cooperated with the Japanese Business Association of Ho Chi Minh City and Vietnam General Confederation of Labour (Ho Chi Minh Office) in organizing a seminar in Vietnam in August 2011. Please see the above answer b.

d.	How does the NCP promote the Guidelines within Government? Please elaborate.
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During the negotiation for the Guidelines update, the Japanese NCP asked for the opinions of relevant ministries and agencies several times. They were also consulted when the Japanese NCP

	translated the Guidelines into Japanese. Most of the ministries/agencies replied to the Japanese NCP with their opinions, and their input were constructive.
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>To raise awareness of the updated Guidelines, at a meeting hosted by MOFA and METI in October 2011 in order to promote Japanese multinational enterprise's outward investments, the Guidelines were explained to participants including business societies as well as the Japan Bank for International Cooperation (JBIC), the Japan International Cooperation Agency (JICA) and the Nippon Export and Investment Insurance (NEXI).</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>With regard to dissemination of the Guidelines in non-adhering countries, MOFA sent an instruction to overseas establishments like Japanese Embassies and Consulate-Generals (233 establishments in total) just after the completion of the updated Guidelines last May. The aim was to inform them of the essence of the updated Guidelines and ask them to consult with the headquarters Ministry if instances which seem to be related to the Guidelines came about or likely to emerge in their countries. Furthermore, after the Japanese translation had been completed, and the website updated, MOFA informed overseas establishments of these developments.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative?</p>
	<p>The Japanese NCP has good relations with the UN Global Compact Japan Network, to which about 150 Japanese organizations belong. The Japanese NCP has been invited many times as a guest speaker for seminars on the Guidelines, organized by the UN Global Compact Japan Network. We explained important points on specific chapters of the Guidelines such as human rights, supply chain and due diligence, and answered to questions and provided clarifications.</p> <p>With regard to ILO issues, as mentioned above several times, the Japanese NCP has close relationships with Rengo.</p> <p>Regarding the High Commissioner on Human Rights, the Japanese NCP does not have any direct relationship but understands that Japanese business industries headed by Keidanren generally appreciate and support Professor John Raggie's "UN Guiding Principles on Business and Human Rights."</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</p>

<p>Yes, the Japanese NCP was interviewed by a team of Japanese professors who study CSR. The Japan NCP was informed that they also interviewed the representatives of the GRI in the Netherlands and the UN Global Compact Japan Network and the study report would be published in 2013.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a. Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?

Yes, the Japanese NCP developed procedures for handling complaints in Japanese and in English. They are available at <http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html>.

b. Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?

Yes, the Japanese NCP’s procedures for handling complaints been modified as a result of the revised Procedural Guidance on November 25, 2011.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

[New specific instance]

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	USA [Note: While the following specific instance was raised in May 2011 (outside of the reporting period which is July 2011 to June 2012), the Japanese NCP includes this case to this report since the US NCP and the Japanese NCP agreed to jointly handle this specific instance.]	
Date complaint received	May 2011	
Complainant/s	-	
Name of Complainant/s	-	
Industry sector ¹	Mining	
Name of Enterprise/s	-	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter II (General Policies), Chapter III (Disclosure) and Chapter V (Environment) [Note: The issue was raised under the 2000 Guidelines]	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> Initial assessment is under consideration between the US NCP and the Japanese NCP *From specific instance received to it being accepted or rejected.	<i>Assistance to Parties*</i> From May 2011 to present *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> * From Conclusion of the procedures to NCP Final Statement issued.

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C - Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F - Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P - Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>		<i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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[Completed specific instance]

11. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Malaysia	
Date complaint received	March 12, 2003	
Complainant/s	The Malaysian Trades Union Congress (MTUC), as requested by its affiliated union, the Metal Industry Employees' Union (MIEU)	
Name of Complainant/s	-	
Industry sector ²	Manufacturing	
Name of Enterprise/s	Top Thermo Mfg. (Malaysia) Sdn. Bhd	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter IV (Employment and Industrial Relations) [Note: The issue was raised under the 2000 Guidelines]	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> February 16, 2012	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i> February 16, 2012
*From specific instance received to it being accepted or rejected.	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final

² Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C - Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F - Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P - Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>		<p>Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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12. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

[Specific Instance in the Philippines]

<p><i>A. Initial Assessment</i></p>	
<p>a.</p>	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>Information has been gathered through direct contact with the parties involved by the Embassy of Japan in the Philippines. Accessibility to reliable information or the protection of confidentiality or the identity of the parties was not an issue.</p>
<p>b.</p>	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>Yes. The nature of the proceedings was employment and labour relations and the both parties involved in these proceedings. Legal proceedings prevented the Japanese NCP to take substantial action before the judgment is made because the Japanese NCP is in a position that its procedure should not interfere with the parallel procedure and its conclusion should coherent with the result of the parallel procedure. The Japanese NCP considers that it is not appropriate for a Government body to approach the court to consult on a case.</p>
<p>c.</p>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>The request to consider the specific instance was accepted. This specific instance is irrelevant to other NCP so that it was not transferred to another NCP.</p>
<p>d..</p>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available?</p>

	Please elaborate.
	<p>Yes. The Japanese NCP issued an initial statement on its decision that the issues raised merit further examination. However, the Japanese NCP considered that one issue among the complaints did not merit further examination because judicial proceedings in the Philippines had already concluded and the Japanese NCP respected the decisions of the Supreme Court of the Philippines.</p> <p>It was circulated only to the parties involved in March 2010.</p>

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Japanese NCP has been trying to mediate without costs to the parties.
b.	In what form has the NCP provided its good offices?
	Japanese NCP offered a trilateral dialogue among parties involved.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	Regarding the question from a. to g., the procedure toward a final statement is ongoing.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Regarding the question from a. to d., the specific instance was not a multi-jurisdictional instance and was not involved other NCPs.

<i>E. Timeframe</i>	
	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)?
	The issue was raised under the 2000 Guidelines.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...).
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	The Japanese NCP has liaised with the parent company of the enterprise party.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	The NCP would be ready to provide additional information when available and possible.

[Specific Instance in Indonesia]

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>Information was gathered through the Embassy of Japan in Indonesia. Accessibility to reliable information or the protection of confidentiality or the identity of the parties was not an issue.</p>
b.	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>The nature of the proceedings was employment and labour relations and the both parties involved in these proceedings. Legal proceedings prevented the Japanese NCP to take substantial action before the judgment is made because the Japanese NCP is in a position that its procedure should not interfere with the parallel procedure and its conclusion should be coherent with the result of the parallel procedure. The Japanese NCP considers that it is not appropriate for a Government body to approach the court to consult on a case.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>The initial assessment is still under consideration by the Japanese NCP.</p>
d..	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>The Japanese NCP has not yet issued an initial statement at this stage.</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
b.	<p>In what form has the NCP provided its good offices?</p>
	<p>Regarding the questions of a. and b., because the specific instance is still in the process of initial assessment, the Japanese NCP cannot answer the questions.</p>

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
Regarding the questions from a. to g., because the specific instance is still in the process of initial assessment, the Japanese NCP cannot answer the questions.	

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
Regarding the question from a. to d., the specific instance was not a multi-jurisdictional instance and was not involved other NCPs.	

<i>E. Timeframe</i>	
	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)?
	The issue was raised under the 2000 Guidelines.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...).
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	The Japanese NCP has not liaised with the parent company of the enterprise party.
d.	Would the NCP care to contribute additional information about the specific instances considered?
	The NCP would be ready to provide additional information when available and possible.

[Specific Instance in Japan]

<i>A. Initial Assessment</i>	
a.	What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?
	Information was gathered through direct dialogue with the parties involved. Accessibility to reliable information or the protection of confidentiality or the identity of the parties was not an issue.
b.	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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?
	Yes, both parties were involved in these proceedings. Legal proceedings prevented the Japanese NCP to take substantial action before the judgement is made. It is not appropriate for a Government

	body to approach the court to consult on a case.
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.
	The request to consider the specific instance was accepted. This specific instance is relevant to Swiss NCP. Therefore, it consulted Swiss NCP.
d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	Yes. The Japanese NCP issued an initial statement on its decision that the issues raised merit further examination. It was circulated only to the parties involved in September 2007.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Japanese NCP has been trying to mediate without costs to the parties.
b.	In what form has the NCP provided its good offices?
	Japanese NCP offered a trilateral dialogue among parties involved.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.

g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	Regarding the question from a. to g., the procedure toward a final statement is ongoing.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Regarding the question from a. to d., while the issues are related to Swiss NCP, the specific instance is not a multi-jurisdictional instance.

<i>E. Timeframe</i>	
	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)?
	The issue was raised under the 2000 Guidelines.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...).
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes. The Swiss NCP liaised with the parent company of the enterprise party.

d.	Would the NCP care to contribute additional information about the specific instances considered?
	The NCP would be ready to provide additional information when available and possible.

D. OTHER IMPLEMENTATION ISSUES

13. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	With regard to the proactive agenda, as being a guest speaker to meetings organized by stakeholders, the Japanese NCP provided a couple of occasions where the stakeholders from business sectors as well as from trade unions had opportunities to express their views such as about the due diligence instrument on conflict minerals or on financial sectors.
b.	What proactive agenda issues deserve particular attention in your country?
	- Methods of dissemination of the Guidelines. - Preventive roles played by NCPs.

14. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs? Please elaborate.
	Yes. The Japanese NCP participated as a reviewer in the Dutch NCP review in 2009. Further more, it became the first country under the 2011 Guidelines to be peer learned/reviewed. The peer learning/review was conducted in Tokyo from April 17 to 19, 2012.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?
	The Japanese NCP is ready to report at the June meeting and the final peer learning/review report will be submitted to the Investment Committee by the end of 2012.

15. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	No.

16. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

The two issues, namely a users' guide of the Guidelines, which should be a user friendly and explanatory brochure-like paper about the gist of the Guidelines, and a mediation manual, which is made by the UK, the Netherlands and Norway, deserve particular attention.

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas¹

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “Guidance”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “Guidance” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the Guidance been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	<p>METI and MOFA are involved in this issue.</p> <p>The Japanese NCP’s website http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html puts the Guidance as a related document. When the Japanese NCP has been invited as a guest speaker to meetings, seminars, information sessions, and study groups of Japanese business sectors, the Japanese NCP usually has mentioned about the Guidance in the context of supply chain due diligence.</p> <p>After the OECD Guidance was adopted, information sessions were held to business industries. METI made an outline of the Guidance in Japanese language and provides it on such a session and upon request. METI and MOFA are involved in this issue.</p>
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the Guidance?
	<p>The Japanese Government participated in the drafting process of the Guidance and Japanese business sectors also gave inputs about their opinion on the draft.</p> <p>Currently, backed by the OECD Secretariat, two forums on implementation of due diligence for responsible mineral supply chains on 3T (tin, tantalum and tungsten) and gold are in progress. The Japanese Government is a member of these two fora and several Japanese companies attend/will attend the meetings or join the pilot program to utilize the Guidance for their risk-based due diligence supply chain management. The Japanese government would like to support such voluntary activities of the Japanese enterprises.</p>
3	What measures have been taken to promote the active use of the Guidance by other stakeholders professional associations, financial institutions, and civil society organisations?

¹ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

	Please see the answer above.
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OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones²	
On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	The Japanese NCP's website http://www.mofa.go.jp/mofaj/gaiko/csr/housin.html puts the Risk Awareness tool as a related document.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No.

² <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

KOREA / COREE

A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.
- Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Foreign Investment Subcommittee, Ministry of Knowledge Economy	Interagency	Ministry of Strategy and Finance Ministry of Foreign Affairs and Trade Ministry of Employment and Labor Ministry of Environment, etc.			fdikorea @mke.go.kr
<p>* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> - <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry - <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries - <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s - <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s - <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s - <i>Independent Expert Body</i>: the NCP is composed only of independent experts 					

2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

We are considering making changes to the NCP's current method of operating, and to its organizational structure, in order to implement the revised *Guidelines* more effectively.

3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the *Guidelines* and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the *Guidelines*.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The Korean government holds a biannual Sustainability Management Conference to encourage interested parties to share CSR-related information and experiences. In November 2011 we held the sixth Sustainability Management Conference, which centered on the *OECD Guidelines for Multinational Enterprises*. The goal of the event was to raise awareness of the revised *Guidelines* among interested parties and to encourage businesses to comply. The event was attended by nearly 120 participants representing multinational businesses, the academic community, NGOs and the media.

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The Korean government opened the CSR Korea portal (**Error! Hyperlink reference not valid.**The NCP provides necessary support for the operation of the website, which provides businesses with CSR-related information, educational programs and self-assessment tools. The portal site deals with a wide range of issues, including the *OECD Guidelines for Multinational Enterprises*, ISO 26000 and GRI.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

We will consider expanding its staff and provide additional financial support along with the reorganization of the NCP.

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. “The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	Yes, the address is http://www.mke.go.kr/info/foreigner/guide.jsp .
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	<p>The 2011 <i>Guidelines</i> were translated into Korean and became available in both languages in October 2011 both in print and in electronic form.</p> <p>KOTRA, Korea’s investment promotion agency, conveyed the 2011 <i>Guidelines</i> to Korean multinational enterprises in 15 major developing countries through its network. KOTRA also distributed the <i>Guidelines</i> at business conferences in Korea and abroad.</p> <p>The electronic version is available through the NCP webpage (http://www.mke.go.kr), the CSR Korea portal (www.csr-korea.net), and the websites of Invest Korea (www.investkorea.org) and the Overseas Investment Information System (www.ois.go.kr).</p>
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	It reports its activities to the National Assembly (Korea’s parliament) upon request, but is not obligated to do so regularly.

f.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p>The 2011 <i>Guidelines</i> were translated into Korean and disseminated in print and electronic form.</p> <p>To raise awareness of the <i>Guidelines</i>, the translated version was also posted online at the NCP webpage. KOTRA distributed the print version through its overseas network and at conferences.</p> <p>When the <i>Guidelines</i> were revised, the NCP webpage was established. Details of the <i>Guidelines</i>, Implementation Procedures and Specific Instances are visible on the webpage.</p> <p>To raise awareness of the <i>Guidelines</i>, the NCP plans to reinforce its cooperation with other concerned bodies such as the Ministry of Employment and Labor, KOTRA, and other foreign investment promotion agencies.</p>
b.	Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.
	The NCP held the sixth Sustainability Management Conference in November 2011 to raise awareness of the <i>Guidelines</i> and urge businesses to comply.
c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
d.	How does the NCP promote the Guidelines within Government? Please elaborate.

	<p>The NCP worked closely with other government bodies throughout the process of translating and distributing the <i>OECD Guidelines for Multinational Enterprises</i>.</p> <p>The revised <i>Guidelines</i> were sent to relevant ministries such as the Ministry of Labor and Employment and the Ministry of Foreign Affairs and Trade in both English and Korean.</p> <p>The NCP asked the Ministry of Ministry of Employment and Labor to promote the <i>Guidelines</i> actively, via seminars and other events, to Korean multinational businesses operating in foreign countries.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>The <i>Guidelines</i> can be found at the Invest Korea website (www.investkorea.org). Invest Korea is Korea's investment promotion agency and it cooperates actively with the NCP—for instance, by distributing the <i>Guidelines</i> via its overseas network to Korean companies doing business overseas.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</p>
	<p>The NCP is only responsible for implementing the <i>OECD Guidelines for Multinational Enterprises</i>.</p> <p>But it cooperates with other government agencies in charge of other CSR related guidelines such as ISO 26000 and GRI.</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental</p>

	organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. ((Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	As we consider how to reorganize the NCP, we are also considering changes to the procedures for handling complaints. Regarding issues that were raised in the second half of 2011, however, we addressed them in accordance with the revised <i>Implementation Procedures of the Guidelines</i> and then disclosed the results to the public.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	The procedures for handling complaints will be reviewed along with the reorganization of the NCP. The results of this review process will be reflected in the revision of the operation regulations of the Korean NCP. Currently, the operation regulations are expected to be revised in next year’s implementation phase of the Guidelines.

Specific Instances during the Reporting Period

(Specific Instance received in the reporting Period)

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

1. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Finance Sector, Republic of Korea	
<i>Date complaint received</i>	23/09/2011	
<i>Complainant/s</i>	Trade Union	
<i>Name of Complainant/s</i>	UNI Global Union & Korean Finance Industry Union	
<i>Industry sector¹</i>	Financial Intermediation (J)	
<i>Name of Enterprise/s</i>	Standard Chartered Plc (SC First Bank)	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter V (Employment and Industrial Relations), 4.a)	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 23/09/2011 to 13/12/2011	<i>Assistance to Parties*</i> -	<i>Conclusion of the procedures*</i> -

¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><i>*From specific instance received to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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2. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<p><i>A. Initial Assessment</i></p>	
<p>a.</p>	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>Information on the specific instance came from the materials submitted by both concerned parties. We took steps to verify all this information, and we gathered additional information from relevant government agencies such as the Seoul regional office of the Ministry of Employment and Labor. Information regarding the performance of SC First Bank and its wages was checked against its corporate financial disclosures at the DART(Data Analysis Retrieval and Transfer System)</p>
<p>b.</p>	<p>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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>The issue raised in the specific instance is currently the subject of negotiations between management and labor. The Seoul regional office of the Ministry of Employment and Labor has provided support by facilitating the negotiation process—for instance, it has proposed a compromise plan to both sides.</p>
<p>c.</p>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	<p>The request was rejected for following reasons: First, the point of dispute was a compromise plan that the management proposed to labor. The company could not implement the plan without changes to the collective agreement, which was being renegotiated at that time.” Second, the Seoul regional office of the Ministry of Employment and Labor continued to provide support to expedite the negotiations.</p>

d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	The NCP drafted a statement, the results of its initial assessment, and circulated it to both parties. The statement was made available online, not only to both parties but also to the general public, via the NCP webpage.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	-
b.	In what form has the NCP provided its good offices?
	-

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	-
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	-
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	-
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	-
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	-
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)

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g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	-

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	Yes, it was. The complainants filed a complaint against SC Plc, the parent company of SC First Bank, under the jurisdiction of the UK NCP. The UK NCP conveyed the matter to the Korean NCP.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The UK NCP and the Korean NCP agreed that the KNCP would handle the specific instance.
c.	Was a leader NCP identified?
	Yes, the Korean NCP.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	The KNCP handles the specific instance.

<i>E. Timeframe</i>	
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)?
	The initial assessment was complete within three months after the complaint was conveyed to the KNCP.

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	-
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	-
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	-
d.	Would the NCP care to contribute additional information about the specific instances considered?
	-

(Specific Instance considered in the reporting Period)

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

3. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	Manufacturing, the Philippines
Date complaint received	03/09/2007
Complainant/s	Trade Union
Name of Complainant/s	-
Industry sector ²	Manufacturing (D)

² Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and

Name of Enterprise/s	-	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<p>2010 Guidelines, chapters specified below:</p> <p>Concepts and Principles</p> <p>Disclosure</p> <p>Employment and Industrial Relations</p> <p>VI. Combating Bribery</p>	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p><i>Initial Assessment*</i></p> <p><i>From 03/09/2007 to 01/10/2007</i></p> <p><i>*From specific instance received to it being accepted or rejected.</i></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i></p> <p><i>Ongoing</i></p> <p><i>*From specific instance accepted to conclusion of the procedures –</i></p>	<p><i>Conclusion of the procedures*</i></p> <p>-</p> <p><i>* From Conclusion of the procedures to NCP Final Statement issued.</i></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

4. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>

restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

	There was a need to review relevant laws and regulations in the Philippines in the course of handling the issue. The NCP asked the Philippine government to issue an authoritative interpretation of the laws concerning the issue, but the Philippine government declined on the grounds that doing so might affect the ongoing legal process in the National Labor Relations Commission of the Philippines. The information was provided by both parties.
b.	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 did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?
	Legal proceedings involving the parties are currently under way in the National Labor Relations Commission of the Philippines. An authoritative interpretation of the law is necessary to resolve the issue. However, the Philippine government has chosen to reserve judgment on the grounds that issuing a statement might affect the ongoing legal process.
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.
	Following the initial assessment, the Korean NCP decided to take the issue into further consideration and to provide the necessary support.
d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	The Korean NCP informed both parties of the results of its initial assessment.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	The Korean NCP provided all its services without costs to the parties.
b.	In what form has the NCP provided its good offices?
	The Korean NCP arranged meetings between both parties and discussed support measures with concerned government agencies and experts.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Not yet.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No. The Korean NCP bears sole responsibility for the instance because the Philippines is a non-adhering country.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.

c.	Was a leader NCP identified?
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

<i>E. Timeframe</i>	
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)?
	<ol style="list-style-type: none"> 1. Initial assessment: within one month 2. Assistance to the parties: ongoing

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes, this matter involves a company doing business in the Philippines, a non-adhering country.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes. The Korean NCP has contacted the Korean parent company to request information and to arrange meetings, both via letters and cables.
d.	Would the NCP care to contribute additional information about the specific instances considered?

D. OTHER IMPLEMENTATION ISSUES

5. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	The Korean NCP plans to look at cases that foreign NCPs have handled, and to hold seminars that will provide useful information for companies doing businesses overseas.
b.	What proactive agenda issues deserve particular attention in your country?
	-

6. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.
	-
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	-

7. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?	
	Some companies expressed concerns that multiple guidelines, such as ISO 26000 and other CSR guidelines, might cause confusion among affected businesses. We believe there is a need to step up cooperation between the authorities in charge of implementing those guidelines in Korea.

8. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

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E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas³

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	The <i>Guidance</i> is available in electronic form at www.mke.go.kr .
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?

³ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones⁴	
<p>On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.</p>	
4.	<p>Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.</p>
	<p>The tool is available in electronic form at www.mke.go.kr, both in Korean and English.</p>
5.	<p>Do you have information about the use of this instrument by investors in Weak Governance Zones?</p>

⁴ <http://www.oecd.org/dataoecd/26/21/36885821.pdf>