



**DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
COMMITTEE ON INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES**

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

**OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES:
2003 REPORTS BY THE NATIONAL CONTACT POINTS**

This compilation of NCP reports has been revised to incorporate reports submitted during and after the Annual Meeting of the NCPs on 23-24 June 2003.

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ARGENTINA / ARGENTINE

A. Institutional Arrangements

- *Where is the NCP located?*

National Direction of International Economic Negotiations DINEI (Minister Felipe Frydman, Head of the Direction), Ministry of Foreign Affairs, International Trade and Worship
Esmeralda 1212 9th floor
Buenos Aires
Argentina
Ph.: 005411-4819-7020/7568
Fax: 005411-4819-7566

- *What is the composition of the NCP?*

National Direction of International Economic Negotiations DINEI (Minister Felipe Frydman, Head of the Direction), Ministry of Foreign Affairs, International Trade and Worship.

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

The NCP draws on the expertise of other relevant government agencies as the Ministry of Labour. There are regular meetings with officials of the Ministry of Labour, which has helped to promote the guidelines.

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

NCP answers any request of the social partners.

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

The NCP welcomes the input of NGOs and civil society.

B. Information and Promotion

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

There is a link to OECD in the website of the Ministry of Foreign Affairs. We are also planning to add a weblink containing a Spanish version of the Guidelines.

A copy of the guidelines has been sent to bi-national trade institutions. They were also informed about the NCP function and activities.

The NCP is working together with the Ministry of Labour in order to make the Guidelines available to the civil society.

- *How is cooperation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on and promotion of the Guidelines?*

The NCP offers full cooperation to trade unions and NGOs in order to uniform about the Guidelines scope and participates in activities as seminars, meetings with NGOs, etc.

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

The NCP participated in a "Workshop about the OECD Guidelines" organized by the Foundation Fiedrich Ebert and TUAC in November, 2002.

- *Have enquiries been received from:*

a) other NCPs?

No enquiries has been received from other NCPs.

b) the business community, employee organizations, other non governmental organizations or the public?

Informational enquiries have been received from NGOs. Their questions have been answered.

c) governments of non adhering countries?

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

C. Implementation in Specific Instances

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

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

- *Have specific instances been brought to the attention of the NCP?*

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

- *If applicable, how did your NCP assist in solving the specific instances? What was the outcome?*

Not applicable.

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

No specific instances have arisen in non-adhering countries.

D. Other

- *How have the core criteria for the operation of the NCPs have been applied in your country to further the effectiveness of guidelines implementation?*

Visibility: The guidelines are readily available through the Ministry website and in other ways.

Accessibility: The NCP has responded to all requests of information received.

Transparency: The NCP has given information to all the requirements that it has received.

Accountability: The NCP is accountable to the Government through The Ministry of Foreign Affairs.

- *Other information on the nature and results of NCP activities:*

There has not been any specific instances raised to date.

The NCP has promoted the guidelines, distributed information about them and raised awareness of them in Argentina.

AUSTRALIA / AUSTRALIE

This 2002-2003 annual report of the Australian National Contact Point is presented to the Committee on International Investment and Multinational Enterprises in accordance with the common reporting framework.

Activities of the Australian NCP during the period have built on last year's progress in developing and finalising the structure of the NCP, refining procedures for handling specific instances and strengthening the consultation process with government agencies, business and other social partners.

A. INSTITUTIONAL ARRANGEMENTS

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

The Executive Member
Foreign Investment Review Board
c/- The Treasury
CANBERRA ACT 2600
Telephone: (02) 6263 3795
Facsimile: (02) 6263 2940
E-mail: anpc@treasury.gov.au
Website: www.ausncp.gov.au

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

3. The Australian NCP liaises with other government departments as necessary, including an agreement to hold bi-annual interdepartmental meetings chaired by the Australian NCP to discuss Guidelines issues. The NCP also holds bi-annual community consultations with social partners including business, trade unions and other NGO representatives.

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

B. INFORMATION AND PROMOTION

5. 2002-2003 has been a busy year for the Australian NCP. The NCP's activities during the period include:

- Bi-annual consultation sessions with social partners in November 2002 and May 2003 in Melbourne, Sydney and Canberra. Issues discussed at the sessions included:
 - the NCP's report on CIME meetings and recent developments,
 - activities of the Australian NCP,

- the structure of the Australian NCP,
 - the guide to making a specific instance complaint;
 - the 2002 Roundtable on supply chains,
 - the *Australian Good Reputation Index (GRI)*. The GRI, run by the private organisation Reputation Measurements, surveys Australia's top 100 private and public companies to ascertain their overall level of 'corporate responsibility'. It ranks these companies from 1 to 100 on their commitment to ethical behaviour and commitment to social values,
 - corporate governance of multinational enterprises,
 - the Doha round of WTO negotiations and in particular, the negotiations relating to investment,
 - the scope of the Guidelines,
 - the illegal exploitation of natural resources in the Democratic Republic of Congo and the role of the Guidelines,
 - the status of the initiative to develop UN Human Rights Norms and Responsibilities and how they may interrelate with the OECD Guidelines,
 - possible issues for discussion at the 2003 Roundtable on the private sector's contribution to the fight against corruption and the role of the Guidelines;
- Development and implementation of a new website dedicated to the Australian NCP and the Guidelines (www.ausncp.gov.au). This website provides the text of the Guidelines, a secure section for registered social partners to access and comment on 'for official use' CIME and Guidelines related OECD material, the NCP's service charter, procedures for lodging specific instances and the NCP's procedures for handling them, frequently asked questions about the Guidelines and specific instances, a notice board publicising coming events and additions to the site, links to related sites, and a compilation of related documents.
 - As a separate exercise, the NCP monitors the usage of the NCP dedicated website on a monthly basis. Interestingly, the website homepage receives on average over 550 hits per month and the text of the Guidelines is the most frequently downloaded document. Over 13 per cent of visitors visit the site more than once a month;
 - Outreach to Australia's top 100 companies promoting the Guidelines and seeking to establish a network of business contacts to consult with on Guidelines related issues. In the mail out, the NCP included an information pack on the Guidelines including an overview of the Guidelines, the text of the Guidelines and the Declaration, the NCP's service charter, and procedures for lodging specific instances and the NCP's procedures for reviewing them;
 - An interdepartmental meeting chaired by the NCP on the Guidelines involving 22 government agency representatives;
 - A more systematic approach to promotion of the Guidelines through embassy and consular networks. This has included briefing officials in person prior to them taking up postings and incorporating information on the Guidelines into information packs provided to all Australian Government officials taking overseas postings;
 - A presentation on the Guidelines to a domestic human rights forum organised by the Department of Foreign Affairs and Trade;

- Increasing efforts to incorporate the Guidelines into various domestic corporate governance and social responsibility reporting frameworks (e.g. Standards Australia's Corporate Governance, Corporate Social Responsibility and Bribery papers, Australia's Triple Bottom Line Reporting Guidelines, Australia's Environmental Reporting Guidelines and the Australian Securities and Investment Commission's Socially Responsible Investing Disclosure Guidelines); and
- Established links between the Australian NCP website and other related domestic sites including Invest Australia, Australia's Export Finance and Insurance Corporation, the Australian Stock Exchange, Austrade and AusIndustry.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

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

7. No specific instances have been raised with the Australian NCP over the period 2002-2003.

How to Raise a Specific Instance with the Australian NCP

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

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

Procedures for Reviewing Specific Instances

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

- Make an initial assessment of whether the issue raised warrants further examination and respond to the complainant. The action the NCP undertakes depends on the:
 - Seriousness of the issue;
 - Level of the documentary evidence available; and
 - Relevance of applicable laws and related procedures. If the NCP considers that further action is not required it will provide reasons for the decision.
- Where the issue raised does warrant further examination, offer assistance to help resolve the issue.
 - The NCP may consult the MNE concerned and where relevant:

- : Seek advice from relevant government authorities, and/or representatives of the business community, employee organisations, other non-government organisations, and relevant experts;
 - : Consult the NCP in the other country or countries concerned;
 - : Seek the guidance of the CIME if it has doubt about the interpretation of the Guidelines in particular circumstances; and
 - : Facilitate access to consensual and non-adversarial means of resolution, such as conciliation or mediation of the Guidelines.
- A special consultation group of interested parties that the NCP can call upon for advice may be formed to consider the issue. The consultation group may include government, members from the business community, labour federations and other NGOs and experts.
 - The effectiveness of the review will depend on the level of confidentiality required and the amount of co-operation from all parties concerned.
 - The NCP will strive to resolve the issue by mediation and conciliation.
- If parties involved do not reach agreement on the issues raised, the NCP will issue a statement making recommendations as appropriate on the implementation of the Guidelines.
 - If issues arise in non-adhering countries, the NCP will take steps to develop an understanding of the issues involved, and follow the above procedures where relevant and practicable.
 - The NCP will endeavor to handle specific instances as quickly as possible and to keep the parties informed of progress in accordance with its service charter.

Clarifications

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

12. Whenever a NCP gives its opinion as to the relevance of the Guidelines in specific instances, it should keep in mind the international character of the Guidelines and the need to avoid conflicting national interpretations. Where there is any doubt or where there are divergent views, the matter should be brought to the attention of CIME before the NCP gives a final answer. Final responsibility for clarifications lies with CIME, but it relies on the NCPs to assume as much as possible of the task of ensuring that the meaning of the Guidelines is clear in each national context.

13. Clarifications are not judgments on the behaviour of individual enterprise; hence, clarifications that arise in connection with individual firms do not refer to them by name.

Confidentiality

14. Information which is communicated to the NCP by a party to a specific instance (including the complainant, the enterprise concerned, and other parties with whom the NCP consults) will be treated

confidentially by the NCP. The information provided by each party may be communicated to any other party during the process of an assessment, but only with the prior consent of the party who provided the information. If such information is provided, it will be on the condition that it is kept confidential for the period of the assessment.

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

D. OTHER

16. The implementation of the new website, the bi-annual consultations with interested social partners and writing to Australia's top companies promoting the Guidelines, among other activities, are good examples of how the Australian NCP has been operating with visibility, accessibility and transparency, in accordance with the core criteria for the operation of NCPs.

17. The development of the NCP's new specific instance handling procedures in consultation with interested social partners has enabled the NCP to operate in accordance with the core criteria of accountability.

Australian NCP
26 May 2003

AUSTRIA / AUTRICHE

A. Institutional Arrangements

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

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

Phone number: +43 1 71100 5180 or 5792

Fax number: +43 1 71100 15101

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

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

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

The Advisory Committee has its own rules of procedure and in the period under review has held 2 meetings (on 27 November 2002 and 20 May 2003). The Advisory Committee has discussed all relevant business of the Contact Point, including the present annual report.

B. Information and Promotion

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

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

- a folder
- a brochure with the full text of the OECD Guidelines and the commentary
- a brochure presenting the OECD Guidelines

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

C. Implementation in specific instances

Two specific instances concerning suppliers of MNEs not headquartered in Austria were brought before the Austrian National Contact Point. As a first step, the question of the competence of the Austrian National Contact Point was considered and, as a result of this examination, the complaints have been ceded to the NCPs competent.

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

BELGIUM / BELGIQUE

A. MODALITES INSTITUTIONNELLES

Le Point de Contact national belge est établi auprès du
Service Public Fédéral Economie, PME, Classes Moyennes & Energie
Direction générale du Potentiel Economique
Rue Général Leman 60
1040 Bruxelles, Belgique
Tél. 00 32 2 206 58 73
Fax 00 32 2 514 03 89
e-mail: colette.vanstraelen@mineco.fgov.be

Le Point de Contact National belge comporte une organisation tripartite. Les membres en sont:
Président du Point de Contact National: M. Charlier: Directeur général honoraire du Service
Public Fédéral Economie, PME, Classes Moyennes & Energie.

Secrétariat: Mme C. Vanstraelen du Service Public Fédéral Economie, PME, Classes Moyennes
& Energie,

Un représentant des services publics fédéraux suivants:

- Service Public Fédéral Economie, PME, Classes Moyennes & Energie
- Service Public Fédéral Emploi
- Service Public Fédéral Justice
- Service Public Fédéral Finance
- Service Public Fédéral Environnement
- Service Public Fédéral Affaires étrangères

Un représentant de chaque gouvernement régional :

- Bruxelles
- La Flandre
- La Wallonie

Un représentant des fédérations professionnelles suivantes :

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

Un représentant des syndicats suivants :

- FGTB/ABVV
- CSC/ACV
- CGSLB/ACLVB

B. Information et Promotion

En considérant que la Belgique a toujours été très active depuis la création de son PCN au début
des années 80 et que ce PCN est resté actif au fil des ans, la promotion - réalisée par ses diverses
parties - reste très régulière.

La large composition du PCN présente l'avantage pour tous les membres de se sentir liés par ces principes directeurs et ce, grâce à leurs contacts variés avec les entreprises, via les formations et avec d'autres organismes; ils en parlent dès lors directement ou indirectement et en font la promotion.

Les différents organes ont d'ailleurs publié des articles sur ce sujet dans leurs périodiques, magazines.

Les activités du PCN en 2002 ont principalement été axées sur la promotion des principes directeurs à l'intention des entreprises multinationales. Aucune vaste campagne n'a été mise en œuvre, mais on a préféré traiter de ces principes dans le cadre d'autres organisations.

Ces principes ont ainsi largement été débattus lors d'un séminaire d'une journée ayant pour thème : "Doing business in conflict areas, ethical and legal challenges", au cours duquel il a été question du rapport des experts du panel des Nations Unies relatif à l'exploitation illégale des richesses naturelles du Congo, organisé par la Ministre, adjointe au Ministre des Affaires Etrangères, et chargée de l'Agriculture. Mme K. Gordon, du secrétariat de l'OCDE/CIME, responsable des principes directeurs à l'attention des entreprises multinationales au sein de cette institution, a présenté les principes directeurs, et le PCN belge et le PCN néerlandais y ont contribué.

Ce rapport, qui n'est pas encore définitif, cite (en annexe 3) certaines entreprises qui, selon les membres du panel des NU, auraient violé les principes directeurs.

Le PCN ne disposant d'aucune information supplémentaire à ce moment, le Président a opté pour une approche coordonnée du CIME.

C. MISE EN OEUVRE DANS DES CIRCONSTANCES SPECIFIQUES

2002 a été caractérisé par l'absence d'affaires spécifiques.

Un contact étroit a été entretenu avec les divers membres du Point de Contact National et deux réunions ont été organisées. Aucun nouveau dossier n'a été introduit.

Le Président et le secrétariat ont suivi à distance les activités de la Commission parlementaire sur les Grands Lacs (Congo).

D. DIVERS

L'importance de ces critères clés, à savoir la visibilité, l'accessibilité, la transparence et la responsabilité - que les membres du Point de Contact National s'efforcent d'améliorer - est constamment examinée lorsqu'une action est entreprise.

La composition interdépartementale et régionale du PCN ainsi que la présence de partenaires sociaux facilite quelque peu la réalisation des critères précités.

BRAZIL / BRESIL**A. Institutional Arrangements****Structure of the Brazilian National Contact Point**

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED
BRAZIL	Single department	Secretariat for International Affairs of the Ministry of Finance	<ul style="list-style-type: none"> - Ministry of Foreign Relations - Ministry of Planning, Budget and Management - Ministry of Labour and Employment - Ministry of Justice - Ministry of Environment - Ministry of Science and Technology - Ministry of Development, Industry and Trade - Brazilian Central Bank

The Brazilian National Contact Point was established, in its new format, by Decision nr. 92, of 12 May 2003, of the Minister of Finance. This Decision was published in the Brazilian Official Gazette on 14 May 2003.

Article 1 of the Decision lists, in accordance with the Guidelines, the main functions of the NCP. Article 2 entrusts the Secretariat for International Affairs of the Ministry of Finance (SEAIN/MF) for the Direction of the NCP (see below). The NCP Co-ordinator was designated by Decision SEAIN/MF nr. 06, of 6 May 2003 (see below).

Name of Responsible Officer: Antonio Gustavo Rodrigues, Deputy Secretary for International Affairs of the Ministry of Finance
Address: Secretaria de Assuntos Internacionais (SEAIN/MF)
 SAS, Quadra 3, Bloco O, Edifício Órgãos Regionais, Sala 1011
 Brasília – DF, 70.070-100 Brazil
Telephone: (+5561) 412-4031/2237
Fax: (+5561) 412-4057/4084
e-mail: antonio.rodrigues@fazenda.gov.br

The Secretariat for International Affairs of the Ministry of Finance is in charge of all issues related to the Brazilian economy in its relations with other countries, regional blocs and international organisations.

Article 3 lists other government ministries and agencies that may be involved in the NCP (see table above), while article 4 requests those ministries and agencies to indicate their representatives to the NCP and article 7 sets out the possibility of inviting other public bodies to participate in NCP work, on a temporary or permanent basis. Consultations with the Ministry of Mining and Energy are currently being held, in order to also integrate that ministry in the NCP work.

Article 5 establishes that the NCP is a permanent body.

Article 6 indicates that the NCP will establish mechanisms that allow periodical information and discussion of the Guidelines with civil society representatives.

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

Name of Responsible Officer: Counsellor Antonio F. Da Costa e Silva

Address: Ambassade du Brésil en France

Bureau de Liaison avec l'OCDE

34, cours Albert 1er

75008 Paris

FRANCE

Telephone: (+331) 4561-6306 / - 6309

Fax: (+331) 4289-0345 / 5375-0546

e-mail: ocde@bresil.org

B. Information and Promotion

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

The translations into Portuguese of the texts of the OECD Guidelines for Multinational Enterprises and of the Implementation Procedures are currently available in the internet site of the Brazilian Ministry of Foreign Relations (www.mre.gov.br), under the heading "Links Temáticos". The translations are preceded by an introductory text which explains the general purpose of the Guidelines. The site also contains a link to the OECD homepage.

A new web page is currently being finalised by the Brazilian NCP, within the site of the SAIN/MF (<http://www.fazenda.gov.br/sain/>), in co-operation with the Federal Data Processing Service (SERPRO).

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

The Brazilian NCP is creating a Council to pursue the activities foreseen in Article 6 of the NCP mandate. The NCP has developed a good relation with *Central Única dos Trabalhadores* (CUT – workers union) and with *Observatório Social* ("Social Observatory", NGO related to enterprise behaviour and workers rights). The new web site will provide links to other social partners involved in Guidelines related work, such as *Sociedade Brasileira das Empresas Transnacionais e da Globalização Econômica* ("Brazilian Society of Transnational Enterprises and Economic Globalisation" - SOBEET), *Instituto Ethos de Responsabilidade Social e Empresas* ("Ethos Institute for Corporate Social Responsibility"), *Investe Brasil* ("Brazilian Agency for Investment Promotion", organised as a public-private partnership), *Força Sindical* (workers union). All those social partner recently received copies of the Guidelines, and were informed of the formal creation of the NCP, by Decision 92/GMF/12.05.03.

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

The NCP Coordinator recently participated in a meeting, in São Paulo, with CUT, when he made a presentation of the most recent NCP initiatives to implement its responsibilities, including the formal Decision, the web site and the Council with Civil Society. Particular attention was given to explaining how the NCP dealt with a specific instance submitted to it by labour union representatives. A meeting with the Parties involved in that specific instance was also held in that same occasion.

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

The Chilean NCP was invited to the São Paulo meeting referred above. Contacts have also been made with the Portuguese NCP.

C. Implementation in specific instances

- *Have procedures been put in place to deal with specific instances?*
- *Have specific instances been brought to the attention of your National Contact Point? By whom (business, labour, NGOs, other NCPs, others)?*
- *If applicable, how did your National Contact Point assist in solving these specific instances? What was the outcome?*

As soon as all Parties involved have been informed, the NCP will circulate among other NCPs the unofficial French translation of the report regarding a specific instance that was brought to its attention. In dealing with this instance, the NCP called all parties involved. The findings of the NCP will also be published in the Brazilian Official Gazette. Workers' representatives has been requested to make a follow-up of the NCP findings. On the basis of this first experience, the NCP is considering the need to establish formal procedures to deal with specific instances that are brought to its attention in the future.

D. Other

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

As it has been made clear in this Report, the NCP has pursued a policy of making official, through publication in the Official Gazette, all formal acts related to its activity. The report on the specific instance will also show the procedures adopted by the NCP in handling the case.

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

During the last CIME consultations with BIAC, TUAC and NGOs, the Brazilian Delegation learnt that workers' representatives were considering submitting specific instances related to Brazilian enterprises behaviour in non adhering third countries. The NCP is ready to examine those instances as soon as they are officially brought to its attention. On the basis of its current experience, the NCP considers that instances should be submitted, through the appropriate channels, as soon as feasible, in order to allow for a more timely exercise of the NCP's role in ensuring the effectiveness of the Guidelines.

CANADA

Introduction

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

As a member of the OECD and signatory to the Guidelines, Canada is obligated to establish a national contact point (NCP). The role of the NCP is to promote awareness of the Guidelines and ensure their effective implementation. This report provides a summary of the activities undertaken by Canada's NCP in the past year (June 2002 - June 2003) to fulfill its responsibilities.

The Canadian Policy Context

The Guidelines are an important element of the Government's approach to promoting corporate social responsibility (CSR). A number of government departments are active in this area, through activities such as information dissemination, facilitation of dialogue among interested parties and support for the development of international norms. The Guidelines are a part of these activities, their contribution heightened by the fact that they represent the shared views of thirty-seven national governments on what constitutes appropriate corporate behaviour. The business community in Canada is promoting CSR as well, with an increasing number of enterprises adopting codes of ethical conduct and related management strategies. The Guidelines can provide a frame of reference for private sector initiatives and efforts to encourage progress in this area internationally.

Corporate social responsibility, and the Guidelines, make an important contribution to the Government's policy on promoting sustainable development. Achieving sustainable development requires the responsible engagement of all sectors of society, including the business community. The Guidelines encourage corporations' contribution to sustainable development and help to strengthen the basis of mutual confidence between enterprises and the societies in which they operate. Thus, while our NCP has a clear mandate to implement the Guidelines, its activities also support other broader policy objectives of the Government.

A. Institutional Arrangements

The key responsibilities of Canada's NCP are to promote the Guidelines, respond to inquiries and contribute to the resolution of problems that may arise in relation to the operations of multinational enterprises. Important guiding principles for the NCP's activities include visibility, accessibility, transparency and accountability.

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

Other departments and agencies participate in NCP activities as well. Export Development Canada is a frequent participant in NCP meetings and communications, and more recently the Canadian Commercial Corporation has become involved. The NCP representatives exchange communication frequently and meet as required, depending on the issues at hand.

The Canadian NCP's key business and labour interlocutors on the Guidelines are the Canadian Council for International Business (CCIB), the Canadian Labour Congress (CLC) and the Confédération des syndicats nationaux (CSN). A regular point of contact with the NGO community is in the process of being established.

B. Information and Promotion

a) Information and Promotional Tools

The Canadian NCP web site, established in June 2001, continues to be a useful tool for promoting the Guidelines. The web site has also become an efficient way to communicate information on the Guidelines to our overseas missions. All of our embassies and high commissions have been informed of the Guidelines and the importance of this instrument for the promotion of corporate social responsibility. Overall, the web site offers a convenient point of reference for a growing number of Canadian organizations and businesses that are seeking information on the issue of corporate social responsibility. The site receives about 100 visits per week.

An official Government of Canada brochure on the Guidelines continues to be distributed to a number of stakeholder organizations, including business, labour and NGOs. The brochure continues to be available on-line from the NCP web site and the virtual Publications Catalogue of the Department of Foreign Affairs and International Trade.

b) Promotion with Social Partners

The Canadian NCP reviewed and updated its strategy for the promotion of the Guidelines. A number of promotional activities have been identified for the coming year. The aim of the strategy is to ensure that the Guidelines are recognized in Canada as an international business ethics instrument that is endorsed and recommended by governments, including the Government of Canada..

Canada's Trade Commissioner Service includes corporate social responsibility as an important aspect of its promotional activities. Guidelines brochures are made available to companies that participate on trade and investment promotion missions abroad, and consideration is being given to further integrating corporate social responsibility activities into these missions. The missions normally include government Ministers and attract many Canadian firms interested in doing business abroad. As a result, they are an excellent forum for the promotion of the Guidelines in cooperation with the business community.

Promotional activities with the Canadian mining sector have been actively pursued during 2003. An official from Canada's NCP presented a session on the OECD Guidelines for MNEs at the Canadian Institute of Mining, Metallurgy and Petroleum annual conference in Montreal, Canada in May 2003. The Prospector's and Developer's Association of Canada (PDAC) drew their members attention to the OECD Guidelines for Multinational Enterprises in December 2002 by publishing a short article about the Guidelines in PDAC's online News and Activities summary. Guidelines brochures's were also distributed at PDAC's annual meeting held in Toronto in March 2003.

In May 2003, members of the Canadian NCP along with other Government of Canada officials met with Canadian non-governmental organizations (NGOs) interested in Canadian mining activities in the Democratic Republic of Congo (DRC). The same officials also met with Canadian firms involved in mining in the DRC. The primary purpose of the two meetings was to obtain the views of participants on the Second UN Panel of Experts Report on Illegal exploitation of natural resources in the DRC. NCP members took the opportunity to promote the Guidelines and seek participants' cooperation in future promotional activities.

OECD Guidelines brochures were included in the delegate kits of two prominent Canadian CSR conferences in 2003 – the Corporate Knights Driving the Return on Responsibility conference held in Toronto in June 2003 and the Canadian Council on Africa's Corporate Social Responsibility and Business Renaissance in Africa conference held in Calgary in June 2003.

Industry Canada continued its activities to promulgate the Guidelines, relevant resources and electronic links through organizations such as business councils and associations, including the Canadian Council for International Business.

c) Promotion Within the Government

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

The Department of Foreign Affairs and International Trade (DFAIT) has integrated the Guidelines into its activities to promote corporate social responsibility at the international level. The Department provides information sessions on the Guidelines for its overseas trade officials. The provision of Guidelines information is also a part of human rights training for government officials preparing for overseas postings. A formal training program on CSR targeted at trade officials is planned, and will include a session on the application of the Guidelines abroad. The Guidelines are also an important element of the Department's strategy to promote sustainable development.

Industry Canada continued its promotion of the Guidelines within the department's Sustainable Development Strategy. This involves not only identifying concrete deliverables respecting the Guidelines, such as developing promotional materials, but also reporting publicly on these efforts. The department's web site pages related to the OECD Guidelines were updated as well.

Members of the NCP made a presentation on the Guidelines to Canadian International Development Agency officers responsible for developing the Agency's private sector development strategy. A part of their strategy will include promotion of the Guidelines with companies participating in the delivery of Canadian foreign assistance programs.

Corporate social responsibility, and the policies and procedures that underpin it, continue to evolve at Export Development Canada (EDC). As part of its efforts to promote ethical corporate conduct and continue a dialogue with exporters, investors, NGOs, and other stakeholders on CSR issues, EDC has been meeting regularly with these groups to discuss issues covered in the Guidelines, such as environmental responsibility, anti-corruption and anti-bribery efforts, and human rights. During the course of these discussions and by means of its web site, speeches, and other communications vehicles, EDC continues to support the NCP's efforts to promote the recommendations of the Guidelines within the Canadian exporting and investing community.

Environment Canada has met with the Canadian Environmental Network (CEN) and explained the role of the NCPs in supporting the Guidelines. The CEN has plans to distribute the website information to its members.

Inquiries

A number of inquiries about the Guidelines have come to the NCP in the past year. Inquiries received via e-mail are often from think-tanks and academic institutions looking for information on Canada's experiences with the Guidelines. Other inquiries come through meetings with businesses or non-governmental organizations. The purpose of such meetings is usually to discuss issues related to corporate social responsibility, and in this context an inquiry will be made about the OECD Guidelines and their relevance to the situations in question. As well, the Guidelines are occasionally raised in the public's correspondence with Ministers.

C. Implementation in Specific Instances

a) UN Panel of Experts Report on the DRC

Canada is one of ten OECD member countries with companies listed in Annex 3 of the Second UN Panel of Experts Report on Illegal exploitation of natural resources and other riches in the Democratic Republic of Congo (DRC). The listed companies are alleged to be in violation of the OECD Guidelines for MNEs. The Panel's Report was commissioned by the UN Security Council.

The Report gave no indication of how seven of the eight listed Canadian companies had violated the Guidelines, leading these companies to express serious misgivings about the process followed by the Panel in developing Annex 3. The UNSC has asked the Panel to do some follow-up work, including meeting with the companies to discuss their concerns. A third report is expected to be submitted to the UNSC in July 2003. The NCP met with the Canadian companies to discuss the UN process and encouraged them to engage the Panel prior to the release of the third report. The NCP also informed the companies of the Government's expectation that they respect the Guidelines in their overseas operations.

A coalition of NGOs has been in touch with the NCP to register their concern about the activities of the Canadian companies in the DRC. They requested that Annex 3 be considered as a "specific instance" under the Guidelines. The NCP met with the NGOs to discuss the Panel's Report and the OECD Guidelines. The NGOs were informed that the NCP will await the release of the third report before considering whether or not to pursue formal procedures under the Guidelines.

Canada's NCP has been working with other NCPs through the OECD Committee on International Investment and Multinational Enterprises (CIME). Through the CIME, a dialogue with the UN Panel has been opened and a formal request has been made for the information upon which the Panel based its conclusions regarding the OECD member country companies named in Annex 3.

b) Burma

The Canadian NCP received a formal complaint from a national Canadian labour group regarding the operations of a Canadian mining company in Burma. The complaint, which is focussed on elements of the Guidelines chapter on Employment and Industrial Relations, was reviewed by the NCP and will be considered as a "specific instance" under the Guidelines. Procedures are being developed to bring the parties together for a dialogue process.

Concluding Remarks

The OECD Guidelines for Multinational Enterprises has become a central element of the Government's approach to promoting corporate social responsibility, domestically and internationally. The interdepartmental structure of the NCP has proven useful in the promotion of the Guidelines within the Government and with departmental constituencies, including business, labour and NGOs. The NCP looks forward to further promotional activities in the coming year.

The UN Panel of Experts Report on the DRC has raised new and unique questions for NCPs relating to the implementation of the Guidelines. It is too early to draw final conclusions on the lessons learned as the Panel process is not yet completed. Nevertheless, one thing has become clear - the CIME plays a valuable role in coordinating the response of the NCPs to the UN Report.

CHILE / CHILI

A. Organisation Institutionnelle

1. Les Informations sur Le Point de Contact National du Chili concernant sa Structure et ses Coordonnés, contenues dans les Annexes 1 et 2 n'ont pas variées.
2. La composition du PCN n'a pas variée non plus:
 - a) Gouvernement
 - Direction de Relations économiques Internationales du Ministère des Affaires Etrangères (DIRECON)
 - Fiscalité Economique Internationale, Ministère de l'Economie
 - Direction du Travail, Ministère du Travail
 - Ministère Secrétariat Général de la Présidence
 - b) Entreprises
 - Fédération des producteurs du lait (Fedeleche)
 - Société de Promotion de la Production (Sofofa)
 - Association de banques et Institutions Financières
 - Société Nationale de l'Agriculture (SNA)
 - c) Syndicats
 - Centrale Unitaire des Travailleurs
 - d) ONGs
 - Greenpeace Pacifique Sud Chili
 - Corporation Sur Professionnels
 - Conadecus, Organisation de Consommateurs
 - Cenda, Centre d'Etudes de Développement Alternatif
 - Fondation Ebert
3. Le PCN a des rapports d'information avec les autres agences gouvernementales d'une façon directe (oral) ou par écrit.
 - Direction du Travail, Ministère du Travail
 - Comité des Investissements Etrangers
 - Fiscalité Economique Nationale
 - Secrétariat Général de la Présidence
 - Conseil de Défense de l'Etat
 - Ministère de Finances
4. Les partenaires sociaux participent du PCN de deux façons :
 - a) A travers d'une coordination permanente qui est devenu un Comité Consultatif.
 - b) Participent a des réunions d'information spéciales
5. Directement, étant donné que les organisations du type ONGs participent, dans le Comité à caractère quadripartite.

B. Information et Promotion.

1. Pour rendre accessibles les principes Directeurs, nous avons reproduit le texte en espagnol et l'avons incorporé dans le site web de la Direcon.
2. La coopération avec les milieux d'affaires, syndicats, Ongs, a été organisée par l'intermédiaire d'une coordination permanente qui se réunit tous les deux ou trois mois, à laquelle peuvent participer aussi tous ceux qui ont un intérêt particulier pour la diffusion ou application des Principes.

En plus, la diffusion des Directrices est faite par courrier électronique et la réalisation de séminaires.

3. Nous avons participé en mai 2003, au Séminaire organisé par la Fondation Fredrick Ebert et les Syndicats Brésiliens à Sao Paulo, Brésil, qui a présenté les Directrices au monde syndical latinoaméricain, avec la présence d'un représentant du Tuac.
4. Nous avons reçu quelques demandes d'information, en particulier des Ongs et des Universités.
5. Il n'y a pas de changement concernant l'Annexe 3.

C. Mise en œuvre dans des circonstances spécifiques.

1. Une procédure pour le traitement des cas spécifiques fut définie par le PCN, à partir des Guidelines
2. Le PCN du Chili a reçu une plainte de la part d'une Ong Hollandaise, Milieudéfense, contre une Société Hollandaise dans le secteur de la production du saumon au Sud du Chili.
3. La plainte a été acceptée et il y a une procédure en cours qui devrait se terminer le mois de juillet avec un rapport final de la part du PCN.
4. Non, nous n'avons pas des cas concernant des pays Non-adhérents.

D. Divers.

1. Les caractéristiques de visibilité, accessibilité, transparence et légitimité du PCN ont été appliquées de la manière suivante :
 - a) Visibilité. Nous avons envoyé un communiqué sur l'existence du PCN à tous les acteurs directement impliqués par les Directrices :
 - les Entreprises Multinationales
 - les Syndicats respectifs et l'Union National de Travailleurs (CUT)
 - Les Ongs qui traitent des sujets contenus dans les Directrices
 - Les organisations des entreprises.
 - Le gouvernement
 - Les Ambassades des pays membres de l'OCDE

Actuellement nous comptons faire des séminaires sectoriels dans le domaine de l'agroindustrie et l'industrie minière, pour focaliser la diffusion des Directrices.

- b) Accessibilité. Tous les potentiels intéressés ont été informés de l'existence du PCN et du lieu de fonctionnement, ainsi que des moyens de communiquer avec lui, c'est un travail permanent
 - c) Transparence. Les activités du PCN se réalisent en accord et avec la participation des organisations qui sont devenus membres de la coordination permanente. Ils sont informés de toutes les activités du PCN.
 - d) Légitimité. Le PCN a, en ce moment, une légitimité favorable par sa façon d'agir, tant en ce qui concerne sa structure comme le fait d'avoir accepté un cas spécifique.
2. Le PCN, progresse dans ses relations avec les divers acteurs concernés par les Directrices.

Néanmoins la tâche la plus difficile continue à être la d'obtenir que les responsables des entreprises participent aux activités du PCN, d'une manière plus significative.

CZECH REPUBLIC / RÉPUBLIQUE TCHEQUE

A. Institutional arrangements

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

International Organisations Department
Ministry of Finance
Letenská 15
118 10 Prague
Czech Republic
tel. +420 2 5704 2133
fax: +420 2 57042795
e- mail address: Lenka.Loudova@mfcz.cz

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

The establishment of the NCP at the Ministry of Finance has proved to be appropriate. The NCP also closely co-operates with other relevant ministries and with social partners.

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

The co-operation was extended and new contacts were set up with the Office for the Protection of Economic Competition, the Czech Statistical Office, CzechInvest and the Securities Commission.

In 2002 the NCP was requested to inform the CR Council of Economic and Social Agreement, which is the supreme tripartite body operating under the auspices of the Government about its activities. Through this contact the NCP ensures that the Guidelines feature the Czech Republic's overall policy on corporate and social responsibility.

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

The NCP is currently considering a co-operation with the NGOs; it has been informed about the NGO activities through the Bohemian-Moravian Trade Unions Confederation.

B. Information and promotion

Information on the websites

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

Printed publication

The official publication of the Guidelines in one of the most important Czech economic magazine – "Ekonom" was successfully completed during the summer of 2001. Its publication was followed by very positive reactions.

Promotion within the Government and top level tripartite partners

The NCP activities and Guidelines importance have been promoted on a ministerial level at sessions of the Council of Economic and Social Agreement. The Council appreciated all the NCP activities and encourages the NCP to continue its work.

Information towards social partners

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

C. Implementation in specific instances

Institutional framework

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

Rules of Procedure

The NCP has adopted "the Rules of Procedure for the Negotiations of National Contact Point Relating to the Implementation of the Guidelines in Specific Instances" (English text available) at its meeting on July 15, 2001.

Resolution of specific instances

In two instances the trade unions have raised issues regarding the exercise of trade unions' rights in two subsidiary companies of multinational enterprises operating in the Czech Republic.

In 2001 the NCP received a request from a trade union regarding the Czech subsidiary of a German-owned multinational enterprise. The issue involved the right to trade union representation. In this case the parties reached the agreement soon after entering into the negotiations.

At the same time the same trade union presented a submission concerning the subsidiary of another German-owned multinational enterprise. The submission dealt with the right to establish a trade union in the company and with the employer's duty to support it. This case was discussed

at four meetings of the NCP where tensions were considerably alleviated and the parties gradually reached a consensus. At the fourth NCP meeting it was declared that a constructive social dialogue had been launched in the company and there was no more conflict between the parties.

Potential future instance

In April 2003 the Retail Workers Trade Union informed about new instance regarding the alleged problematic conduct of management in Swiss-owned multinational enterprise operating in the Czech Republic.

D. Other

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

DENMARK / DANEMARK

A. Institutional arrangements

- The Danish National Contact Point is located at the labour law and international relations centre in the Danish Ministry of Employment. The address can be seen above in the upper right corner. The Chairman of the Danish Contact Point is Deputy Permanent Secretary of State **Einar Edelberg**, +45 33929959, eed@bm.dk
- The Danish Contact Point consists of representatives from
 - The Danish Federation of Trade Unions
 - The Salaried Employees and Civil Servants Confederation
 - The Danish Confederation of Professional Associations
 - The Danish Employers Confederation
 - The Danish Agency for Trade and Industry
 - The Environmental Protection Agency
 - The Ministry of Economic and Business Affairs
 - The Ministry of Foreign Affairs
 - The Ministry of Employment (where the Secretariat and chairmanship is anchored)
- The above mentioned Danish government agencies are considered to have a direct interest in the *Guidelines*. The Danish Contact Point does not have any specific relations to other government agencies, but will involve relevant agencies if necessary.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- Alongside the Danish Contact Point an open "Guidelines-group" have been established with representatives of interested NGOs and the members of the Danish Contact Point. The Guidelines-group meets on average twice a year. The purpose of the Guidelines-group is to facilitate the exchange of views and ideas on the promotion of the *Guidelines*.
- The Danish Contact Point hosts a meeting for the Nordic and Baltic Contact Points on 4 June 2003.

B. Information and Promotion

- The Danish Contact Point released a booklet containing the *Guidelines* in Danish in 2001. In an effort to promote the awareness of the *Guidelines* in Denmark a handbook on the *Guidelines* and was also published and both are still in demand by the public. The *Guidelines* in Danish are accessible on the WWW.
- Aside from the co-operation within the Danish Contact Point and in the "Guidelines-group" mentioned above the Danish Contact Point has made an effort to ensure public awareness of the *Guidelines* through the media. In conjunction with a specific instance the Danish Contact Point and the *Guidelines* have been subject to quite a bit of attention from the press and members of the Danish Parliament.

- In Denmark there is no direct linkage between Export Credits/Investment and the *Guidelines*. No update of Table 1 in Annex 3 is necessary.
- The Danish Contact Point (the Minister of Employment) has received enquiries from a member of the Danish Parliament about the tackling of a specific instance. The Danish Contact Point has furthermore responded to an enquiry from the Danish *Ombudsman* about the status of The Danish Contact Point in relation to Danish administrative law.

C. Implementation in specific instances

- The Danish Contact Point considers itself able to deal with specific instances. However, the Danish Contact Point is currently focusing on developing basic principles with regard to the initial assessment of specific instances. Some aspects of the initial assessment of specific instances are scheduled for debate on the meeting between the Nordic and Baltic Contact Points in Copenhagen 4 June 2003.
- In February 2002 a specific instance was brought to the attention of the Danish Contact Point on the situation of Malaysian workers in a Danish owned enterprise. The case was brought forward by a workers organisation (AIF). This specific instance contains difficult aspects since an appeals case on the same matter is pending at the Supreme Court in Malaysia, and this specific instance and how to proceed is still under consideration by the Danish Contact Point.

In April 2003 another specific instance was brought to the attention of the Danish Contact Point on the situation of workers in Danish owned banana plantations in Ecuador and Belize. This case was brought forward by a workers organisation (SID) and at the meeting of the Danish Contact Point on 18 June 2003 the initial assessment of this matter is on the agenda.

- The Danish Contact Point has not solved any specific instances yet.

D. Other

- The Danish Contact Point seeks to operate in accordance with both Danish and international standards on visibility, accessibility, transparency and accountability. Responding to enquiries from members of parliament and the *Ombudsman* to the extent possible according to the *Guidelines* is an example of this.
- The first specific instance brought before the Danish Contact Point has highlighted the difficult question on how to proceed when a matter brought before a NCP is pending at the courts of a non-adhering economy as well.

ESTONIA / ESTONIE

The OECD Council agreed, in the beginning of 2001, to invite Estonia to adhere to the Declaration. The experts of the OECD Secretariat visited Tallinn in the spring of 2001 to prepare the review of Estonia's investment policy. The Government of Estonia adopted the OECD Declaration and Related Decisions in June 16, 2001. Estonia signed the Declaration in September 20, 2001.

A. Institutional Arrangements

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

National Contact Point of OECD Declaration on International Investment and Multinational Enterprises
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e-mail: paul.elberg@mkm.ee

Estonia has chosen a tripartite system for National Contact Point (NCP). The Advisory Committee to ENCP consists of the representatives from the several ministries, business associations and the association of the trade unions. The members of Committee are experts from Ministry of Foreign Affairs, Ministry of Finance, The Association of Trade Unions and business associations.

The ENCP relies heavily on the experience and expertise of other ministries, for example Ministry of Social Affairs, Ministry of Environment, and governmental bodies. The ENCP has close links with the Estonian Investment Agency and the Estonian Export Agency that represent the important partners in promoting the guidelines.

In the complex area of foreign investments the social dialogue is mainly developed in the ENCP Advisory Committee, which collaborate with business community and employee organisations. The other NGOs are involved to the functioning of the NCP through informal contacts. They have provided valuable insight at different aspects of foreign investments and the guidelines and the ENCP seeks for the deepening of the contacts.

B. Information and Promotion

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

The ENCP has contacted the Confederation of Estonian Trade Unions, Estonian Employers' Confederation and the Estonian Chamber of Commerce. The organisations disseminated

information about Estonian adherence to the Guidelines to their members. They have also agreed to continue inform the members about the events of the ENCP and the developments on the area of international investment.

Finnish National Contact Point visited ENCP in November 8, 2002. FNCP shared their experiences with their work done with some enquiries FNCP has received.

In collaboration with the Ministry of Foreign Affairs the ENCP has also informed economic attachés about the adherence of Estonia to the Guidelines and asked for active participation in promoting the Guidelines to foreign and possible Estonian investors.

The Estonian Investment Agency have published a short summary on their web-page and added a hyper-link to the Guidelines.

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

Since December 2001 the ENCP has attended at the meetings of the OECD and has a regular contact with other NCPs.

C. Implementation in specific instances

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

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

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

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

Transparency: The ENCP has presented overview of its operation and future plans to business associations, trade unions, other interested parties and other NCPs.

Accountability: The ENCP has close connections with ministries and government agencies like Estonian Investment Agency. The copy of this report will be sent to ministries and added to the web-page of the Ministry of Economic Affairs.

The ENCP will continue its promotional activities and take every opportunity to draw attention to the Guidelines. As adherent to the Declaration, the ENCP has attended the meetings of the Working Party and sees this as important resource of experiences to improve the operation of the ENCP.

FINLAND / FINLANDE

A. Institutional Arrangements

Secretary General, Senior Government Secretary
Advisory Committee on International Investment
and Multinational Enterprises of Finland (MONIKA)
Ministry of Trade and Industry
PO Box 32
0023 Valtioneuvosto
Helsinki
Tel: (358-9) 1606 4689
Email: jorma.immonen@ktm.fi
Web: www.ktm.fi/monika/

The Advisory Committee on International Investment and Multinational Enterprises of Finland (MONIKA), which operates under the auspices of the Ministry of Trade and Industry as a wide-scoped forum of public and private representatives for issues related to investments, acts as the Finnish NCP.

The MONIKA Committee, which has been established by the Government Decree 335/2001, takes care of the promotion of the Guidelines as important principles of Corporate Social Responsibility and serves as an advisory forum in other issues related to the CIME. The Ministry of Trade and Industry is responsible for the handling of inquiries and the implementation in Specific Instances.

The members of the committee come from various ministries, The Bank of Finland, business and labour organisations and NGOs

Social partners are represented in the NCP by TT - The Confederation of Finnish Industry and Employers, The Finnish Section of the International Chamber of Commerce (ICC) and the Central Organization of Finnish Trade Unions SAK. The NGOs are represented by the Service Centre for Development Cooperation KEPA.

The committee has met several times over the review period.

B. Information and Promotion

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

The Guidelines have been translated into Finnish and Swedish (the official languages in Finland).

A website of the Finnish NCP with links to the OECD website and other organisations has been created, <http://www.ktm.fi/monika>

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

Ministries, social partners and NGO's represented in the NCP have actively attended the meetings of the NCP. The principles of the Guidelines have been discussed in details in the meetings with the business and other stakeholders. The members have promoted the Guidelines by disseminating information to other stakeholders.

The Guidelines have been widely distributed to the public and companies in various seminars, publications and by other means.

A number of activities have been undertaken since the June 2002, aiming at promoting the Guidelines among business, trade unions and non-governmental organisations.

The Business Marathon Campaign launched by business leaders after the appeal to business by the European Heads of State at the European Summit in 2000, came to Finland 9 October 2002. The initiative to the Campaign came from CSR Europe, The Copenhagen Centre and The International Business Leaders Forum. The Finnish conference pointed out that "Responsible Company is Successful!". The conference underlined the practical point of view of CSR which is shown in the practice of strategies and procedures. The Finnish NCP was one of the organisers together with Ministry of Labour, Ministry of the Environment, Johnson&Johnson, KPMG, Taloussanommat and Finnish Business & Society. In the seminar, the Finnish NCP took care of a workshop with a title 'Ethical Investment in Europe – Changes and Challenges'.

The Finnish NCP organised in April 2003 a special seminar on EU-wide strategy for corporate social responsibility and the public role in the promotion of CSR. The Seminar brought out views of the European Commission, UK Government, Finnish public administration, business and labour organisations and other non-governmental organisations on the targets of the EU Multistakeholder Forum and other challenges of the public authorities in the promotion of CSR. Furthermore, the aim of the seminar was to promote the Guidelines and to offer a discussion forum for the different parties and to give feedback to the Finnish NCP preparing a special governmental CSR programme.

- Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.

No update is necessary.

C. Implementation in specific instances

The NCPs of the Netherlands and France have asked the Finnish NCP to get supplementary information from two Finnish parent companies for specific instances dealing with Finnish subsidiaries in France and the Netherlands.

Dealing with the "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo" submitted on 8

October 2002, the Finnish NCP has discussed the report with the representatives of the OM Group (a company based in Cleveland, USA, mentioned in Annex III to the final report. This Annex lists companies that were alleged by the Panel to have violated the OECD Multinational Guidelines in the Democratic Republic of Congo). OM Group processes Congolese copper and cobalt at a production plant of one of its subsidiaries, OMG Kokkola Chemicals Oy, in Kokkola, Finland. The Finnish NCP has submitted a statement to the panel.

D. Other

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

See chapter B.

FRANCE

A. Organisation institutionnelle

Depuis la révision des principes directeurs de l'OCDE en juin 2000, l'organisation du PCN français n'a pas été modifiée. Le PCN français fonctionne selon une structure tripartite rassemblant les principales centrales syndicales (CFDT, CGT, CGT-FO, CFE-CGC, UNSA), les représentants des entreprises (MEDEF) et l'administration (ministères de l'économie et des finances, des affaires étrangères, de l'environnement, de l'emploi et de la solidarité – et tout autre département ministériel en tant que de besoin, en fonction de la base des saisines). Son secrétariat et la présidence sont assurés par la direction du Trésor du ministère de l'économie, des finances et de l'industrie. Une information détaillée sur l'organisation du PCN français est disponible sur la page « web » qui lui est consacrée, accessible sur le site du ministère de l'économie, des finances et de l'industrie à l'adresse suivante : « <http://www.minefi.gouv.fr/TRESOR/pcn/pcn.htm> ».

B. Information et promotion : actions réalisées en 2003

La présidence française du Sommet d'Evian a été l'occasion pour la France de promouvoir activement les principes directeurs de l'OCDE à l'intention des entreprises multinationales et de leur mécanisme de suivi auprès de l'ensemble des Etats du G8, et plus généralement de la communauté internationale, dans le cadre de la Déclaration des Chefs d'Etat et de Gouvernement " Pour la croissance et une économie de marché responsable".

*"Nous allons travailler, aux côtés de tous les pays intéressés, à la mise au point d'initiatives propres à favoriser une croissance économique durable, notamment en créant un environnement permettant aux entreprises d'agir de manière responsable. Nous nous félicitons également des initiatives prises par le secteur privé, en cohérence avec son intérêt économique, pour promouvoir la responsabilité sociale et environnementale des entreprises, et notamment les Principes directeurs de l'OCDE à l'intention des entreprises multinationales et les principes du Pacte mondial des Nations unies. **Nous encourageons les entreprises à se rapprocher d'autres parties prenantes pour compléter ou renforcer la mise en oeuvre des instruments existants, notamment les principes directeurs de l'OCDE ou les principes de la Déclaration de l'OIT de 1998 relative aux principes et droits fondamentaux au travail**".*

*Pour la croissance et une économie de marché responsable,
Déclaration du G8, juin 2003*

La Direction du Trésor a par ailleurs poursuivi sa promotion du PCN en organisant notamment un séminaire d'information en direction du secteur privé et de la société civile et en participant activement à diverses réunions consacrées aux principes directeurs et à la responsabilité sociale des entreprises.

La présidente du PCN a ainsi participé à un séminaire de formation de cadres supérieurs dans le cadre de l'Institut de l'entreprise au mois d'avril. Elle y a mis l'accent sur l'apport des principes directeurs de l'OCDE à l'intention des entreprises multinationales – et leur mécanisme de suivi assuré dans le cadre du PCN – d'une part et la thématique plus large de la responsabilité sociale des entreprises d'autre part. Dans ce contexte, elle a insisté sur le rôle du PCN pour donner une effectivité à des normes de conduite privée volontairement adoptées par les entreprises - dès lors que ces normes incorporent les principes directeurs de l'OCDE.

Le conseiller social du Directeur du Trésor a par ailleurs participé aux "Ateliers du TUAC et de la Fondation Friedrich Ebert sur les principes directeurs de l'OCDE à l'intention des entreprises multinationales", les 5 et 6 mai à Casablanca. Cet atelier, ciblé sur le rôle des principes directeurs à l'égard des investissements directs étrangers, a été l'occasion pour le conseiller social de présenter les expériences du PCN français à l'égard des investissements étrangers directs et de l'applicabilité des principes directeurs.

Le 18 juin 2003, la Direction du Trésor a organisé conjointement avec l'Observatoire de la responsabilité sociale des entreprises (ORSE) un séminaire sur les principes directeurs de l'OCDE et le rôle du PCN. Il a permis de présenter le fonctionnement interne du PCN français, les conditions de recevabilité des saisines et le déroulement des procédures d'instruction de ces saisines. La partie questions/réponses a permis aux participants (plus d'une cinquantaine de grandes entreprises françaises ainsi que des ONG et organisations syndicales) de disposer d'éléments de réponse sur l'articulation entre procédure devant le PCN et procédure judiciaire en cours, l'applicabilité des principes directeurs dans des Etats dotés de législations défailtantes du point de vue des droits sociaux fondamentaux, l'hétérogénéité des procédures devant les PCN...

C. Mise en œuvre dans des circonstances spécifiques

Le PCN examine actuellement deux cas. Afin de respecter la confidentialité de l'examen d'une saisine tant qu'il n'est pas achevé, le présent rapport ne peut faire état de l'identité des entreprises concernées par deux cas en cours d'instruction.

- Le premier cas porte sur une possible violation des dispositions des Principes directeurs sur la liberté syndicale par une filiale française d'une entreprise étrangère. Ce cas a fait l'objet de consultations avec les représentants légaux de la filiale. Les informations reçues par les représentants légaux ayant été considérées à ce stade incomplètes, le PCN français a sollicité et reçu le soutien du PCN national de la maison mère. L'instruction se poursuit et une conclusion est attendue pour juillet 2003.
- Le second cas relève d'une éventuelle violation des principes directeurs de l'OCDE en matière d'environnement par une filiale française d'une entreprise française. Ce cas a soulevé deux questions de principe :
 - la primauté des procédures judiciaires en cours qui a dissuadé les dirigeants de participer à une consultation avec les membres du PCN.
 - l'implication éventuelle des actionnaires principaux en cas de violation avérée des principes directeurs par les entreprises.

Enfin, le PCN français a fait connaître sa disponibilité à instruire d'éventuelles violations des principes directeurs par des entreprises françaises telles que celles mises en avant par le panel des Nations Unies sur l'exploitation illégale de ressources en République Démocratique du Congo. Le PCN français a indiqué devoir être saisi, sur la base d'informations plus précises lui permettant une instruction effective de ces situations.

GERMANY / ALLEMAGNE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, last year's Annex Table 1 ("Structure of the National Contact Points") and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

Please add in GOVERNMENTAL LOCATION OF THE NCP: Ministry of Economics and Labour.

Please delete in OTHER MINISTRIES AND/OR AGENCIES INVOLVED: Ministry of Labour.

Please add in COMMENTS AND NOTES to "The NCP works in close co-operation with the social partners": "A 'Working Party on the OECD Guidelines' composed of representatives from those Federal ministries mentioned in the previous column, business organisations, employee organisations and selected NGOs met regularly to discuss all Guidelines-related issues."

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

A 'Working Party on the OECD Guidelines' composed of representatives from Federal ministries, business organisations, employee organisations and selected NGOs was established in 2002. It meets regularly (about two times a year: June 28, 2002; February 12, 2003) under the chairmanship of a senior official of the Federal Ministry of Economics and Labour to discuss all Guidelines-related issues.

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

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

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

The National Contact Point provides within the 'Working Party on the OECD Guidelines' representatives from business organisations and social partners the opportunity to participate in Guidelines-related activities. The National Contact Point is consulting and including them on an ad-hoc basis in conciliation or mediation proceedings with the understanding of the Parties involved.

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

In its efforts to promote the Guidelines, the National Contact Point also co-operates with other non-governmental organisations within the 'Working Party on the OECD Guidelines'. Furthermore, the National Contact Point is consulting and including them on an ad-hoc basis in conciliation or mediation proceedings with the understanding of the Parties involved.

B. Information and Promotion

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

The German National Contact Point continued to make significant efforts to promote the Guidelines and to heighten awareness of them among national actors. A German translation of the Guidelines was put on the Internet sites of both the Federal Ministry of Economics and Labour and the OECD BERLIN CENTRE. Furthermore, a new leaflet („Merkblatt OECD-Leitsätze“) about the Guidelines is posted in the Internet site of the Federal Ministry of Economics and Labour and is made available in print version. In addition, the Federal Ministry of Economics and Labour published a documentary booklet on the “Revision 2000” of the Guidelines in German which includes the text of the Guidelines.

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

During the World Summit on Sustainable Development (WSSD), which met in August/September 2002 in Johannesburg, the Federal Ministry of Economics and Labour and the Federation of German Industries (BDI) took part in the major WSSD-related exhibition, situated in close proximity to the UN precinct, in Sandton, Johannesburg. The exhibit showcased sustainable development experiences also in the context of the Guidelines. In particular, the Federal Ministry of Economics and Labour and the Federation of German Industries (BDI) hosted the "German Business Day" on August 31, 2002.

Among other activities, on October 30, 2002, the Director-General for Foreign Economic Policy of the Federal Ministry of Economics and Labour gave a lecture at a joint symposium of the 'Gesellschaft zur Förderung von Auslandsinvestitionen' ('Society for the Promotion of Foreign Direct Investment') and the Federation of German Industries (BDI) on "Unternehmerische Verantwortung bei Auslandsinvestitionen: Best Practice nach Johannesburg" („Corporate Responsibility at Foreign Direct Investment: Best Practice after Johannesburg“), where the Guidelines were mentioned in detail.

The leaflet about the Guidelines is distributed to all Chambers of Industry and Commerce in Germany (IHKs) and German binational Chambers of Industry and Commerce abroad (AHKs) by the Association of German Chambers of Industry and Commerce (DIHK). It is displayed on the occasion of DIHK- and IHK-events and all other chamber activities on the regional and federal level related to investments in non-adhering countries. An introduction into the Guidelines with contact addresses and a download of the leaflet is integrated on the DIHK- and other IHK- and AHK-websites. In addition, companies with a concrete investment interest in non-adhering countries are informed by IHK foreign trade officials when being involved by individual contacts. In DIHK publications on foreign investment topics, the Guidelines will be mentioned. AHKs are requested to act accordingly. As well, the

Guidelines are promoted by the central German Government internet portal for foreign business "iXPOS".

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

In spring 2003, the new leaflet („Merkblatt OECD-Leitsätze“) about the Guidelines has been prepared with the support of Federal ministries, business organisations, social partners and interested NGOs.

A written question of the parliamentary group of the Free Democrats in the German Bundestag with respect to codes of conducts ("Kleine Anfrage der FDP: Freiwillige Verhaltenskodizes und Leitlinien für multinational tätige Unternehmen" [15/828 of April 9, 2003]) has been answered, where the Guidelines were described in detail.

NGOs involved in the "Working Party on the OECD Guidelines" have presented the Guidelines and discussed their experience with their application in conferences and seminars on related subjects, e.g. 'Foreign Direct Investment' (December 2002), and at the regular joint trade union/NGO workshops on globalisation relevant topics (July 2002, September 2002 and March 2003). Germanwatch published a leaflet about the project KodexWatch and the OECD-Guidelines and sent it out to all members of VENRO, the umbrella organisation of development NGOs. In addition, Germanwatch completed its homepage on the OECD Guidelines including several texts on the OECD Guidelines and relevant links to other websites. INEF (Institut für Entwicklung und Frieden) is carrying out a research project: How do German NGOs consider to use the Guidelines?

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

Please add in COUNTRY: "Germany"; in PROGRAMME: "Investment Guarantees"; and in DESCRIPTION OF LINK: "A reference to the Guidelines is included in the application form for investment guarantees by the Federal Government. The reference also provides a link to information of the Guidelines, in particular the Internet address for the German translation of the Guidelines."

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

On (a): Some NCP's have asked for support; close co-operation with NCP's on some specific instances.

On (b): Numerous requests for information were received and have been answered in detail.

On (c): None.

C. Implementation in specific instances

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

The German National Contact Point follows the existing 'OECD Procedural Guidance' for the Guidelines in dealing with all Guidelines-related issues as well as with specific instances.

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

Five cases have been raised by NGOs; two of these cases raised very recently are currently under review, in particular concerning aspects such as the formal competence of the German NCP.

One case concerned another adhering country and has thus been referred to the competence of the NCP of that adhering country. Yet, the German National Contact Point supports that NCP and - by way of 'good services' - is providing assistance, e.g. through conciliatory talks.

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

The German National Contact Points follows the existing 'OECD Procedural Guidance' in dealing with specific instances. Regularly, it asks for written statements by the concerned MNE and is then starting conciliation proceedings with the agreement of the Parties involved. One particular specific instance is just in such a mediation phase.

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

With respect to one issue concerning a non-adhering economy, the initial assessment of the German NCP showed that the Guidelines were not directly applicable due to lack of an 'investment nexus'. Nevertheless, due to the specifics in this particular case, the German National Contact Point provided recently - by way of 'good services' - for conciliatory talks. This seems to have aided the parties involved to view the matter in an objective way and to have created an atmosphere that may lead to further cooperation of the parties concerned.

D. Other

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

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

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

With respect to a mentioning of possible non-compliance with the Guidelines in the report of the 'UN-Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of

Wealth in the Democratic Republic of the Congo', the German NCP has conducted preliminary talks with German companies concerned. Furthermore, it is in close contact with other NCPs - and CIME - as to further procedures.

While the German NCP is observing confidentiality in its activities - as I.C.4.a) of the 'Procedural Guidance' and para. 19 of the 'Commentary' are demanding for specific instances - this could not always be noticed with regard to some of the other parties involved. To some degree, this seems to be related to the fact that some of the specific instances raised have been brought in connection with already existing or newly launched public campaigns of NGOs. This automatically tends to entail conflicts with the general confidentiality requirement. In each individual case confidentiality needs to be weighed against the transparency requirement for the work of the NCP.

Aside from the confidentiality-question, the issue of the relationship between 'specific instances' and the use of the Guidelines in the context of certain NGO-campaigns may warrant more general reflection and discussion.

GREECE / GRECE

A. Institutional arrangements

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

Ermou & Kornarou 1
Athens 10563
Tel: (+ 30210) 328 6301 or 328 6231
Fax: (+30210) 328 6309
E-mail: nsyms@ath.forthnet.gr

- The NCP is a governmental service:
The *Directorate for International Organisations and Policies*, headed by its Director, Mr. Nicholas Symeonidis, part of the General Directorate for Policy Planning and Implementation of the Ministry of Economy and Finance.

B. Information and Promotion

- The Guidelines have been translated into Greek and are electronically available, together with an Introductory Note and information on the Greek NCP, on the website of our Investment Promotion Agency (ELKE), at the address:
www.elke.gr/bloecd.htm
- Our Organisation for Insurance of Export Credits (OAEP) has been asked to include the Guidelines in its website as well as to inform systematically companies applying for its services about the Guidelines and is now studying ways of how best to proceed.

C. Implementation in specific instances

- No specific instances have been brought to the attention of the NCP up to now.
- For the rest, re our answers to the procedural questionnaire.

D. Other

- Due to the restructuring of the International Economic Affairs Dpt. of the Ministry of Economy and Finance the NCP, unfortunately, has not been able to proceed either to its internal organisation or to undertake any promotional activities this past year, except involving OAEP (see B above) in the promotion of the Guidelines.

HUNGARY / HONGRIE

A. Institutional Arrangements

Address of the Hungarian National Contact Point:

Ministry of Economy and Transport
 1055 Budapest, Honvéd utca 13-15.
 Department of Economic Development Programmes
 Phone: (36-1)-374-2877 Fax: (36-1)- 269-3478, (36-1)- 332-6154
 E- mail: tejnora@gkm.hu

Composition of the Hungarian National Contact Point (HNCP)

In the second quarter of 2002 composition of the Hungarian National Contact Point changed. Tasks of the Hungarian National Bank (HNB) were modified and the Bank was restructured. Moreover the liberalisation of capital flow was practically completed in Hungary. As a result of the changes direct participation of the HNB in the HNCP became unnecessary. Current organisational structure is trilateral, the HNCP remained an interdepartmental government body with permanent members. In 2002 after the election Ministry of Economic Affairs and the Ministry of Transport and Water Management were merged. The legal successor is the Ministry of Economy and Transport which was restructured and which kept the task of the Secretariat of HNCP.

List of permanent members

Ministry of Economy and Transport (MoET)
 Ministry of Finance (MoF)
 Ministry of Foreign Affairs (MoFA)

Despite the organisational modification MoET works as a Secretariat for the HNCP and a permanent member of HNCP at the same time. HNCP makes decision on the basis of consensus. The HNCP has no regular or continuous contacts with all of the civil organisations. Invitation depends upon emerging issues. Representatives of trade union and employers' associations were informed regularly on developments and information coming from CIME. Up till now Secretariat has contacted social partners by fax, phone and E-mail. Beside HNCP several fora exist to keep closer contacts with civil organisations. HNCP is not the only one problem solving body.

B. Information and Promotion

The main information source on the Guidelines remained the home page of MoET and the HNCP in the MoET. (Web: <http://www.gkm.hu/site/fomenu/gazdasag/oecd/index.htm>)

The text of the Guidelines together with all relevant information (e.g. Commentaries, Declaration, etc) was translated to Hungarian language. On the homepage there are three basic documents which are as follows:

- Brief press release of Hungarian language on the Guidelines (in the text from “OECD” word anyone can link to the OECD site and study the English and French versions of the Guidelines)
- Procedural guide of Hungarian language on the Hungarian NCP (explains what and how to do in the case of enquiry)
- The Guidelines in Hungarian language(full text of the original English version)

The HNCP has not received any enquiry between May 22, 2002 and May 8, 2003.

C. Implementation

Last year the Secretariat of HNCP wrote a letter to the Executive Director of the Confederation of Hungarian Employers’ Organisations for International Co-operation asking for a broad information activity on the Guidelines for all members. The HNCP proposed to the Hungarian Employers’ Organisations to take into consideration the adherence to the Declaration.

May 8, 2003

ICELAND / ISLANDE

Translation of the OECD Guidelines for MNEs into Icelandic is almost complete. Only minor cosmetic issues remain outstanding which are expected to be finalised in September/October this fall.

Upon completion of the translation, the Icelandic text of the Guidelines will be launched on the Ministry's website with links to websites of various stakeholders.

Due to budgetary constraints, work has still not commenced on the organisation of the NCP activities, such as the composition of board members and where to host the NCP in the future. The same applies to the funding of the promotion of the Guidelines.

No specific instances have been brought before the NCP since the last annual report.

The Icelandic NCP took part in a Nordic-Baltic meeting of NCPs hosted by the Danish NCP.

IRELAND / IRLANDE

Introduction

This is the Third Annual Report of Ireland's National Contact Point on the OECD Guidelines for Multinational Enterprises. The Report is submitted for consideration at the annual meeting of NCP's, and submission to the OECD Committee on International Investment and Multinational Enterprises. The report covers the twelve-month period since the last annual report, i.e. June 2002 to May 2003 approximately.

A. Institutional Arrangements

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

National Contact Point for the OECD Guidelines for Multinational Enterprises
Enterprise Policy Unit
Department of Enterprise, Trade and Employment
Kildare Street
Dublin 2
Telephone + 353 1 631 2155
Fax + 353 1 631 2822
e-mail Roisin_Collins@entemp.ie or Páraig_Hennessy@entemp.ie

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

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

The NCP functions as a single expert point of contact. As such, business, trade unions and non-governmental organisations do not directly participate in its operation. However, communication is maintained with these groups as appropriate, and the NCP is available for consultations with any party expressing an interest in the Guidelines.

B. Information and Promotion

The importance of adopting high standards of business conduct is increasingly recognised by Irish enterprise. Increasing globalisation continues to reinforce the work of the National Contact Point in enhancing the visibility and recognition of the Guidelines.

The key actions of the NCP during the year to promote the Guidelines are now summarised:

(i) Work with the Irish Business and Employers Confederation (IBEC)

In our second Annual Report, it was reported that the NCP had advised IBEC on the development of a voluntary Code of Corporate Governance for the Confederation's members. IBEC's voluntary code has been finalised and can be located at <http://www.ibec.ie>

(ii) Department's Sustainable Development Strategy

In November 2002, the Department of Enterprise, Trade and Employment published its *Sustainable Development Strategy 2003-2005*, which includes targets relating to the impact of business in areas such as climate change, corporate sustainability, and corporate social responsibility. The Strategy contains a dedicated chapter on Corporate Social Responsibility, which includes the following objective:

- Actively encourage knowledge and observance of the OECD Guidelines for Multinational Enterprises in Ireland.

The indicator of achievement will be the number of enterprises adhering to the OECD Guidelines. Progress towards all objectives of the Strategy will be reported on annually in the Department's Annual Report. The NCP is currently formulating an action plan to ensure that satisfactory progress is made in relation to the Guidelines objective.

(iii) Conference on Corporate Responsibility

A business-led conference on Corporate Responsibility was held in Dublin on 27 March 2003. The conference was attended and addressed by the President of Ireland and by the Tánaiste and Minister for Enterprise Trade and Employment. The NCP provided material on the OECD Guidelines for inclusion in the addresses of the President and the Tánaiste on the occasion. A range of high profile companies and organisations participated in the conference, and it is felt that it provided an important opportunity to highlight the relevance of the Guidelines to business today.

(iv) Other Events

The Irish NCP also participated in the European Union DG Trade Seminar on Trade, Global Governance and Sustainable Development in June 2002, which brought together EU and non-EU representatives of the public and private sectors, and of NGO's. The conclusions of the conference working groups set a context for the future work of NCPs, and what can realistically be achieved by guidelines, regulations and codes of conduct.

The Department is continuing to contribute to on-going CSR events, particularly via the CSR European Multi-Stakeholder Forum (EMS). This work is closely linked to the promotion of the OECD Guidelines.

(v) Other Information and Promotion

◆ Details about the Guidelines and the National Contact Point continue to be referenced on the Department's website and can be viewed at <http://www.entemp.ie/epst/epudelivery.htm>. The Department's site also provides a link to the dedicated OECD site covering the Guidelines, to facilitate those requiring access to the full Guidelines text and associated commentaries.

◆ The Department's Annual Report for 2002 again includes a section highlighting the objectives of the Guidelines and the promotion activities undertaken by the Department during the year. The report can be accessed at <http://www.entemp.ie/annrep2002.pdf>. It is proposed to retain and enhance this input as appropriate for future annual reports.

◆ Under Ireland's Freedom of Information legislation, the Department publishes a manual which formally describes the functions and operations of the Department. Access details for the NCP are also detailed in this publication ("*A Guide to the Functions, Records, Rules and Practices of the Department*" – 2nd Edition April 2001), accessible at <http://www.entemp.ie/FOI1405.pdf>.

The Guidelines continue to be widely promoted, and promotion activities are being accelerated during 2003 in accordance with the Department's Sustainable Development Strategy. The NCP has not yet received any enquiries or complaints about the Guidelines from other National Contact Points, from the Governments of non-adhering countries, or from third parties.

C. Implementation in Specific Instances

To date, no specific instances have been addressed to Ireland's NCP.

The NCP is however prepared to deal with any specific instances that may arise in the future.

Conclusion

In an ever more globalised environment, the aims of the OECD Guidelines are becoming increasingly relevant to business. From Ireland's perspective, this is highlighted by the prominence of the Guidelines in addresses by the President and the Tánaiste and Minister for Enterprise Trade and Employment to the recent Conference on Corporate Social Responsibility. It is hoped that the Guidelines will continue to influence the approach of enterprise, trade unions and non-governmental organisations to matters of corporate governance. In this context, the Irish NCP will continue to increase visibility and awareness of the Guidelines, and promote and encourage their use.

ITALY / ITALIE

ISRAEL / ISRAËL

Structure of the National Contact Points

Country	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED**	COMMENTS AND NOTES
Israel	Single department	Ministry of Industry Trade and Labor	Ministry of Foreign Affairs	An Advisory Committee will be composed of representatives from other Ministries

The NCP is located at the Foreign Trade Administration, Ministry of Industry Trade and Labor and is related to the Investment Promotion Center (IPC) in the Ministry. The NCP maintains constant contact with other Ministries by providing them with information concerning the Guidelines and explanations as to the importance of adhering to them. Additionally, meetings have taken place with representatives of the Industrial Manufacturers' Association, trade organizations, consumer organizations and others explaining and promoting the Guidelines and the activity of the NCP.

An official web site of the Israeli NCP was launched on May 2003. The Guidelines have been translated into Hebrew and have been posted on the official web site of the Israeli NCP. A letter in Hebrew has been sent via the Israeli Industrial Manufacturers' Association to their Members who comprise the leading Israeli Enterprises.

An important meeting has been held between the director of the Israeli NCP and the Director of the Division of Foreign Trade & International Relations of the Israeli Industrial Manufacturers' Association. It was agreed that the Association will send letters informing their Members about the OECD Guidelines and will make access on their web site to the Israeli NCP Web-site.

**Annex 2
Contact Details for National Contact Points**

Israel

Israel's National Contact Point
Ministry Trade Industry and Labor.
Contact Person: Shai Aizin
30 Agron St, Jerusalem

Tel: (972-2) 6220309
Fax: (972-2) 6243005
Email: shaiaizin@moit.gov.il

**Annex 3
Linkages -- The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes**

Country	Programme	Description of link
Israel	Investment Promotion Centre	The site of Israel's Investment Promotion Centre has a direct connection to the Israeli NCP web site where the OECD Guidelines are available electronically.

JAPAN / JAPON

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, last year's Annex Table 1 ("Structure of the National Contact Points") and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

(A) Amendments are made on the relating parts in last year's Annex Table 1 and the list of National Contact Points.

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

(A) The NCP organises strategic meetings of officers which consists of the NCP assistant officers' level mainly focusing on how to deal with specific instances including exchange of views on efficient and effective implementation of guidelines.

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

(A) The NCP reports to the CIME and other WPD/CIME issues including discussion reports of these meeting are always shared by other government ministries/agencies concerned. They will be involved in the process of dealing with a specific instance if necessary. The NCP will keep in close contact with other government agencies whenever necessary.

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

(A) The NCP makes the maximum use of meetings, seminars and forums, organised by itself or others, to promote the Guideline where our social partners can participate. When the NCP organise a meeting/seminar, invitations are always open to them. Also, if the NCP receive the request to consider a specific instances, the NCP may seek advice from representatives of the business community and employee organization.

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

(A) The NCP makes the maximum use of meetings, seminars and forums, organised by itself or others, to promote the Guideline where other interested parties, including non-governmental organisations (NGOs) can participate. When the NCP organise a meeting/seminar, invitations are always open to them.

B. Information and Promotion

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

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

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

(A) The NCP makes the maximum use of meetings, seminars and forums, organised by itself or others, to promote the Guideline where our social partners including NGOs can participate. When the NCP organise a meeting/seminar, invitations are always open to them. The NCP always distribute copies of the Guidelines when these opportunities are organised. The NCP respond to anyone who make enquiries on the Guidelines.

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

(A)

1. The NCP organises meetings, seminars and forums, organised by itself or in cooperation with other institutions such as the OECD Tokyo Centre, to promote the Guideline where our social partners including NGOs can participate.

2. The NCP cooperates closely with professors to universities. The NCP provided continuously a series of documents and information for a semester-long lecture at a university.

3. The NCP organised consultation meetings with representatives from general trading companies, manufacturing companies, and financing institutions, all with multinational features. In addition, the NCP organised a consultation meeting with press people.

4. The NCP organised several meetings with representatives from general trading companies, manufacturing companies, and financing institutions that operate in foreign countries. The NCP provided Japanese community in foreign countries with documents and information on the Guidelines' related issues.

5. The NCP helped trade unions when they organised meetings in third countries.

6. The NCP provide aid or financial institutions with documents and information on the Guidelines' related issues to upgrade synergy between aid and private investment.

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

(A) N.A.

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

(A) Yes. By business communities and employee organisations.

C. Implementation in specific instances

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

(A) Please refer to the Japan's response to the NCPs' procedural questionnaire.

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

(A) Yes. By trade unions and a NGO. (Please refer to the Japan's response to the NCP's procedural questionnaire.)

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

(A) Please refer to the Japan's response to the NCP's procedural questionnaire.

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

(A) Yes. Please refer to the Japan's response to the NCP's procedural questionnaire.

D. Other

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

(A) The Government of Japan is committed to enhancing the role and functioning of its National Contact Point, taking into account a variety of legal, social and regulatory settings in which multinational enterprises are placed. To realize its commitment, it has been exerting its utmost efforts to promote the Guidelines, which resulted in early publishing of the provisional translations and various meeting with its business and social partners. The National Contact Point continues to promote such activities, in line with the core criteria for the operation of National Contact Points.

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

(A) At this stage, no. It will depend on whether the NCP find any necessity of doing that and its benefit contributing to effective implementation of the Guidelines.

KOREA / COREE

A. Institutional Arrangements

- The Ministry of Commerce, Industry and Energy chairs the National Contact Point (NCP).

Ministry of Commerce, Industry and Energy
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- The NCP is interdepartmental committee. All relevant ministries and regional governments are free to attend the meetings of the NCP. Governmental location of the NCP is Executive Committee on Foreign Direct Investment and The Ministry of Commerce, Industry and Energy is mainly in charge of administration and promotion of the Guidelines.
- Since the NCP is interdepartmental committee, the NCP yet doesn't institutional network with private sector including business community, employee organisations and NGOs. Through seminar and conference, the NCP provide information on the Guidelines and Implementation, and the private sector provides useful input for the information and promotion. In order to exchange ideas the NCP are planning to set institutional network with the private sector and have regular meeting.

B. Information and Promotion

- The translation of the Guidelines was finished 2001. At the moment the NCP distributed informative publication brochures to Korean embassies worldwide and Korean companies doing business abroad. This year the NCP plans to update the informative brochures and distribute to embassies and Korean companies. In addition to that, this time the NCP are going to distribute the brochures to Multinational Enterprises doing business in Korea. We regularly update information on the website <http://www.mocie.go.kr>.
- The NCP had conference with Korean Labour Society Institute on the Guidelines in general on 12 may 2003. The main theme was the information and promotion on the Guidelines, where the NCP explained enquiry procedure and introduce some specific cases.
- On specific case, the NCP have a lot of promotional activities. The NCP had meetings frequently with relevant persons from the company in the question and ministries such as the Ministry of Labour and Ministry of Foreign Ministry.
- The NCP have developed linkages between the Guidelines and the Overseas Investment Guarantee with trade-investment promotion agencies. The KOTRA (Korean Trade Investment Promotion Agency) and the Korean foreign exchange banks provide information on the Guidelines to multinational enterprises with inward and outward investments.

- The Co-operation of NCP with the business community, trade unions, NGOs and the interested public is being carried out irregularly. Through consultation and seminar, the NCP and private sector exchange experiences and discuss promotion.
- In specific cases, the NCP have received enquiries from (a) other NCPs, specially US NCP. The Netherlands NCP inform of some cases and provide useful information. (b) The employee organisations, other non-governmental organisations have raised the issues on the implementation of the Guidelines.

C. Information and Promotion

- Three cases have been raised by relevant labour unions and NGOs. All instances were arisen in non-adhering economies. As the NCP received the enquiries, necessary procedures have been put in place to deal with those specific instances.

1. Guatemala Case

- On February, 2002, International Textile, Garment & Leather Worker's Federation(ITGLWF) raised the issue concerned about Korean companies (ChoiShin and CIMA Textiles) doing business in Guatemala. The companies interfered with the formation of a labour union and continued to interrupt labour activities even after the formal launch of the labor union on August 2, 2001.
- Since the first arbitration meeting on May 24 2002, the NCP had several consultation with relevant parties and other NCPs. In April 9-10, 2003, the NCP had meeting with the representative of labour union of the company and consultation with Neil Kearney from ITGLWF in sequence. Both from labour union asked to make "a collective agreement".
- After investigation on relevant facts and the Guatemalan labor law, the NCP temporarily have concluded that the labour union who raised the issue must provide proof of membership directly to the Ministry of Labour in Guatemala. The NCP have also recommended the company both to conserve the local culture and labour practice and to encourage workforce-friendly environment.

2. Sri Lanka : Cosmos Macky Industries

- Cosmos Macky Industries is a joint venture, 50% of which was invested by Samdo company of Korea in 1990. The company refused to accept the union's declaration in Dec. 2000 and fired four major union workers.
- After investigation, the NCP found that Cosmos Macky Industries was a joint venture 50% invested by Samdo and 50% by the local company, Macky. Although in the contract, Macky is to be in charge of labor-management, it is desirable for the Korean company to share the responsibility as co-manager. So the Korean NCP recommended the company to conform to the OECD Guidelines and resolve labour disputes.

3. Sri Lanka : Sees Cooperation

- Sees is a local corporation 100% invested by Sees, a Korean company. When it stopped bag production on Sept. 30, 2002, the Labor Commission in Colombo ordered the company to pay for their wages for the lay-off of its 178. But the labour union alleged that Sees delayed the payment.
- On Dec. 4, 2002, the company paid the agreed compensation money and retirement allowance to all the individual workers. Since the payment was made, this incident has now been dealt with.
- We thank the TUAC, the Netherlands NCP and the U.S. NCP for their concerns in this case. The Korean government will strive to equally reflect the interests of companies, citizens, and workers in carrying out the Guidelines in each instances.

D. Other

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

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Annex 1 Labour abuse of Choishin company in Guatemala

Annex 2 Labour abuse of Cosmos Macky Industries Ltd in Sri Lanka

Annex 3 Delayed Payment of wages regarding the factory closure of Sees Corp. in Sri Lanka

Annex 1

Labour abuse of Choishin company in Guatemala

A. Allegation

- The Korea NCP's first registered complaint, at the end of Feb. 2002, related to a Korean company conducting business in Guatemala. The companies in question, ChoiShin (750 workers) and CIMA Textiles (417 workers) are both invested by a Korean company, ChoiShin Co., and both use common facilities.
- According to International Textile, Garment & Leather Worker's Federation (ITGLWF) who registered a complaint, the above companies interfered with the formation of a labor union between July 9 and August 2, 2001, and continued to interrupt labor activities even after the formal launch of the labor union on August 2.

B. Investigation Developments

1. Substantial matters

- The labour abuse case violated the article 1.a and article 7 of the OECD's Employment and Industrial Relations Guidelines.
 - 1.a. representation of trade unions and other bona fide representatives of employees, and engagement in constructive negotiations
 - 7. not threaten to transfer the whole or part of an operating unit from the country concerned, nor transfer employees from the enterprises' component entities

2. Arbitration Activities of NCP and Resolution Efforts

- In May 24 2002, the NCP held arbitration meeting, where representatives of related Korean ministries and the company concerned were present. At that time the NCP asked Korean NGOs raised the issues to attend the meeting, but they didn't appear. Officials from Korean ministries made it clear that they would consider legal and administrative measures if the company's settlement of such cases is unsatisfactory.
- Mr. Hong, the representative of the company, expressed the company's position on the disputed issues, and also explained various efforts by the supervisors to understand the local culture and the company's support for training employees. Among such efforts were employing resident nurses, and organizing healthcare seminars for women.
- Since the arbitration meeting in Korea, the NCP had several meeting and consultation with relevant parties and discussed with the Netherlands and the US NCP. Especially in April 9-10, 2003, the NCP had meeting with the representative of labour union of the company in question and consultation with Neil Kearney from ITGLWF in sequence. Both from labour union informed of latent conflict and asked for the Korean NCP to support the parties in question to negotiate with the union and conclude "a collective agreement".

- In Guatemala, the company need to make “collective agreement” when the employees over 25% is in labour union. In the meeting with two representatives they assured that the labour union in the company in question is over 25% of the employees. However they denied to provide document to verify joining. In response, during April and May 2003, the NCP had a lot of consultation with the company on “a collective agreement”. According to the Article 51 of the Labour Law in Guatemala, in order to make “collective agreement”, 25%, a significant portion of the workforce should be covered in the union.
 - The company in question will collectively bargain when the company is notified by the Labour Minister that the 25% threshold has been reached. The labour union are expected to provide proof of membership directly to the Ministry of Labour, a third party. The Korean NCP found out that all other collective agreements in Guatemala have been made in the same process by the law. If the labour union keep their position not to provide the membership, there is no way to make a collective agreement.
 - In Guatemala, regular unofficial management-labour meetings have been conducted twice a month, from July 2001 up to now. Representatives of the Guatemalan government, the Korean Embassy, and NGO have participated when necessary in such meetings. During this process, it was acknowledged that there were a few misunderstandings between management and labour. Both sides agreed on issues that should be improved and actions that should be punished, and are carrying out such measures.
3. Ruling of the Guatemala Local Court, October 16, 2002(Case N. 436-2002)
- Investigation and law application by the Guatemala government and local court goes about verifying the facts. Labour unions argued that the company was directly involved in the violent incident. The prosecution investigated Mr. Lee, then president of the company, and interviewed several workers, in order to find out whether the company was involved in the incident. Based on the investigation, the local court made a ruling on October 16, 2002.,
 - The Ruling of the Court
 - The investigation conducted by the prosecution found insufficient evidence against the company.
 - Interviews with relevant persons, and a study of the relevant laws and of records of meetings found that the company was not guilty. The prosecution also said that it was hard to prove that the company was directly responsible for this incident. Accordingly, it was difficult to justify the union's allegations.
 - The case was therefore dismissed.

C. Settlement : Temporary Conclusion

- The NCP have recommended the company both to conserve the local culture and labour practice and to encourage workforce-friendly environment. On the “collective agreement”, the NCP temporarily have concluded that the labour union who raised the issue must provide proof of membership directly to the Ministry of Labour in Guatemala, just like that other labour unions did in similar cases. It depends on the labour union whether they can make “agreement” or not.

- In that sense, conflicts still exist due to the lack of trust between labour and management and distrust of the Guatemalan government.
- Lastly, we thank the TUAC, the Netherlands and the U.S. NCP for their concerns in this case. The Korean government have strived to equally reflect the interests of companies, citizens, and workers in carrying out the Guidelines in each case.

Annex 2

Labour abuse of Cosmos Macky Industries Ltd in Sri Lanka

A. Allegation

- Cosmos Macky Industries is a joint venture, 50% of which was invested by Samdo company of Korea in 1990. The company manufactures female jackets and hires 1,200 local workers in its factory.
- In Dec. 2000, the branch office of FTZWU was established in the company. The company allegedly refused to accept the union's declaration and instead fired four major union workers, dissolving the labor union.

B. Investigation Developments

- NCP Korea received the report on this incident in June, 2002 and investigated it through the Labor Ministry, Foreign Ministry and the Korean Embassy in Sri Lanka.
- The investigation found that Cosmos Macky Industries was a joint venture 50% invested by Samdo and 50% by the local company Macky, and that they agreed to allow Macky to handle labor-management disputes and bank-related issues when they signed the joint venture contract. Accordingly, the labor issue in question is not related to the Korean company, but rather to the Sri Lanka management and workers instead.

C. Settlement

- Although both sides agreed to divide personnel and trade affairs between themselves, it is desirable for the Korean company to share the responsibility as co-manager.
- Apart from the ongoing local adjudication, the Korean NCP therefore recommended the company in question to conform to the OECD Guidelines and respect local culture and employment practices and smoothly resolve labour disputes in a reasonable manner.

Annex 3

Delayed payment of wages regarding the factory closure of Sees Corp. in Sri Lanka

A. Allegation

- Sees is a local corporation 100% invested by Sees, a Korean company producing sport accessories. When it stopped bag production on Sept. 30, 2002, the company applied to the Labor Commission in Colombo for the lay-off of its 178 workers in the bag production line. The investigation into this matter was completed at the end of 2002. No problem was found with the suspension of production and application for the lay-off according to the local law.
- However, they allege that although the Commission ordered the company to pay for their wages according to the laws of Sri Lanka when the investigation is completed, Sees rejected to do so.

*The Sri Lanka law says that wages cannot be delayed for more than 10 months

B. Investigation Developments

- In Jan. 2003, the NCP Korea was informed of this incident through e-mail from Mr. Leon Joseph, a representative of the local labor union, and investigated it in Korea and Sri Lanka.
- On Nov. 26, 2002, the company agreed to pay two months' compensation money from the time of factory closure, through deliberation and mediation of the Labor Commission.
- On Dec. 4, 2002, the company paid the agreed compensation money and retirement allowance to all the individual workers in question.

C. Settlement

- NCP Korea confirmed that all the fired workers were paid their agreed compensation money and retirement allowances. Since the payment was made, this incident has now been dealt with.

LITHUANIA / LITUANIE

A. Institutional Arrangements

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

B. Information and Promotion

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

The *Guidelines* are available by following means:

- The *Guidelines* are translated into Lithuanian;
- The web page for the NCP is created in the web site of the Ministry of Economy (<http://www.ekm.lt>). The translation as well as the review of recent developments concerning the scope and application of the *Guidelines* is available in the NCP web page.
- *How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?*

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

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

Co-operation with Investment and Export Departments of Lithuanian Development Agency is planned.

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

No update.

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

No.

C. Implementation in specific instances

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

No.

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

No.

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

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

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

No.

D. Other

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

Seeking to fulfil the core criteria for the operation of NCPs, the Lithuanian has made Guidelines and other information on recent developments in concern available on the web page. Regulations of National Contact point, adopted on 30 of January, 2003, were published in *Valstybės žinios*, Lithuanian Official Journal.

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

LUXEMBOURG

MEXICO / MEXIQUE

A. Institutional Arrangements

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

The NCP mailing address is:

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

B. Information and Promotion

For promotion purposes, the Guidelines web page is found on the Ministry’s home page: www.economia.gob.mx. The web page includes the Guidelines in Spanish with an introductory page, links to the OECD home page, the Declaration on International Investment and Multinational Enterprises as well as the June 2000 Decision of the OECD Council.

Furthermore, a letter notifying the establishment of the NCP and the internet site, and an informational brochure have been sent to different Mexican government agencies that deal with matters related to the Guidelines. Brochures have been sent to the business community, including industry and trade chambers and associations, trade unions, as well as academic and non-governmental organizations.

C. Implementation in Specific Instances

Euzkadi Case

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

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

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

On March 22nd 2002, the trade union initiated a strike, but after a legal process conducted through the Junta Federal de Conciliación y Arbitraje (authority in charge of federal labor disputes), the strike was considered illegal in accordance with the law. The trade union appealed to a higher court, which will settle the dispute during the coming months.

The NCP has met with representatives from the trade union as well as with representatives from the company in order to hear their viewpoints on this case. We have also contacted the Ministry of Labor in order to exchange opinions regarding application of Mexican Labor Law and its interaction with the OECD Guidelines.

We hope these efforts will be useful to clarify the facts surrounding the closure of the plant.

D. Other

The NCP has sent letters to industry and commerce chambers and associations asking them to allocate time during their meetings or events in order for us to make a general presentation of the Guidelines.

We have scheduled meetings with public in general, mainly students, interested in knowing what the OECD Guidelines are and how the NCP works. We are also very involved in answering inquiries via Internet.

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

NETHERLANDS / PAYS-BAS

A. Institutional Arrangements

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

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Chair: Marinus Sikkel; e-mail: M.W.Sikkel@minez.nl
 Secretariat: Jeannette Baljeu; e-mail: J.N.Baljeu@minez.nl

The NCP is an interdepartmental committee. All ministries of The Netherlands are invited to attend the meetings of the NCP. The NCP holds quarterly meetings with the social partners (business community and employee organisations) and NGO's. These meetings provide input for the position of The Netherlands in the CIME and WPD. During the meetings questions regarding the guidelines are discussed as well as possibilities to promote the guidelines.

B. Information and Promotion

Parliament is informed about the activities of the NCP each year. Last year this was done at the end of the calendar year after the publication of the report of the chair of the annual NCP meeting. This year, the NCP report to the OECD will be sent to parliament at the same time as to the OECD. At the end of the year the NCP will report on progress (half-year report) to parliament including the report of the annual meeting.

To promote the guidelines the ministry of economic affairs hosts a website (www.oesorichtlijnen.nl). On the site the translation of the guidelines is available. Translation of the commentary and guidance for the NCP's has been delayed in 2002. This will be taken up in 2003 and will be published on the website.

Regarding promotion the following activities have been arranged;

- The OECD guidelines are also part of a lively debate on Corporate Social Responsibility in general. This debate has a wider range than the guidelines (see for specific information paragraph C). This year the start of our Knowledge centre on CSR has been delayed due to elections.
- Ministers of departments with specific interest in the guidelines, like Economic Affairs, Development Co-operation, Agriculture, Social Affairs and Environment, have included the guidelines in several promotion events.
- NCP members have participated in meetings with business groups and seminars, several articles and interviews were published.

- A seminar was planned in the last quarter of 2002 but has been postponed due to priority to handle specific instances. The political situation in the Netherlands (elections) also delayed activities in this field.
- A CD-ROM (Dutch only) on the guidelines focussing on the use for SME's has been presented in September. This CD-ROM has been handed out to all participants of the CSR-Europe conference in December '02 in the Netherlands.

The non-governmental organisations in the Netherlands have also been promoting the guidelines.

- The representatives of the business community (VNO-NCW, represented in BIAC) have given individual information to members who had questions on the guidelines and the procedures of the NCP. They attended several public meetings on the guidelines. They lobbied the EC not to draft new EU-guidelines, as all member states are already committed to promote the OECD-guidelines.
- Representatives of the Labour Union (specifically FNV, represented in TUAC) have been involved in several discussions on topics concerning the guidelines. They have showed interest in issues raised at NCP's (like the instance on labour union's in Guatemala) or asked questions on issues related to the guidelines (on the UN panel on Congo). On these issues they didn't start a specific instance, but to raise awareness of the NCP and others on how the guidelines are related to these issues. So far, the FNV has raised the most specific instances at the Dutch NCP and use this as an instrument to raise awareness of the guidelines.

With support of the Ministry of Economic Affairs, the labour unions are organising a CSR seminar for employee representatives in business. The seminar will be held in the second half of 2003.

- NGO's have been very active in the promotion of the CSR debate, including the OECD-guidelines. The Dutch Friends of the Earth (FOE (Milieudefensie)) developed a toolkit for NGO's (in OECD countries and developing countries) with information on the guidelines and explanation of the procedures at the NCP's. This project was supported by the Ministry of Foreign Affairs/ Development co-operation.

FOE (Milieudefensie) has organised with IRENE (NGO) a seminar for NGO's and labour unions from developing countries. The chair of the Dutch NCP and representatives of business (VNO_NCW) participated in the panel discussion.

The NGO community has also felt that a certain co-ordination from their side would make them more effective in putting forward their arguments in their contact with government. They've set up a "CSR-platform", which is co-ordinated by SOMO and consists off most of the Dutch NGO's. Their first project has been a brochure on all kinds of CSR initiatives also mentioning the OECD-guidelines. (website CSR-platform www.mvo-platform.nl brochure, under publications and is available in English, French, Spanish and Portuguese). They also initiated the international initiative of the OECD-watch, a more co-ordinated approach of the international NGO community. One of the main purposes is to inform the wider NGO community about what is happening at the CIME, to ensure that a wide range of NGO views are represented in key debates at the regular CIME meetings and to assist NGO's who may wish to bring specific instances under the guidelines implementation procedure.

C. Implementation in specific instances

As mentioned in the previous paragraph, CSR has been high on the agenda of the civil society, media, and parliament in the Netherlands. The OECD-guidelines have been mentioned at three levels in the discussion on CSR;

1. CSR in general
2. Specific issues discussed in public
3. Specific issues discussed through the instrument of the NCP

Ad 1. CSR in general

The discussion on CSR in the Netherlands has been broad. Some of the following elements dominated the discussion.

- corruption;
- self-enrichment of managers/CEO's;
- accounting affairs;
- labour circumstances in developing countries.

Debates took place through the media and where often followed by questions by parliamentarians.

Ad 2. Specific issues discussed in public

Due to the interest that civil society has showed in the activities of companies in the field of CSR, a lot of specific issues were raised in public. Through the media or campaigns by consumers questions were asked about the behaviour of companies.

- Friends of the Earth (NL, Milieudefensie) has started a campaign on the "dirty five". Only in one instance, see under ad 3, they brought a specific instance to the NCP.
- The labour unions have also shown interest in the guidelines, but have not in all cases brought it to the NCP as a specific instance. For example, FNV has asked questions to the NCP on the report of the UN panel on the Democratic Republic of Congo and the alleged involvement in that region of a Dutch company. They also showed interest in the case of labour unions in Guatemala. The FNV has an interest because of their involvement in training programs of labour unions in Latin-America. The FNV invited the president of the ITGLWF, Mr Kearny, to inform the Dutch government on the situation in Guatemala and referred to the OECD-guidelines. FNV wanted to raise the awareness of the Dutch government on these issues.

Ad 3. Specific issues at the NCP.

General comments on specific instances

Since the revision of the OECD-guidelines in May 2000, the NCP has taken up 10 specific instances of which 5 in this reporting period. The NCP considers the correct and careful fulfilment of the procedure at the NCP important for the trustworthiness of the NCP and the guidelines. The careful approach makes the procedure at an NCP a long process. The NCP concludes that it had no difficulty to get parties concerned around the table, nor was it difficult to make new appointments, exchange information/views through tripartite meetings. A lot of time

was spent on reaching a common statement of all parties involved. The precise wording / finding common positions meant a lot of time spent by the NCP to negotiate between parties. Of the 10 specific instances put forward to the NCP, 4 have been finalised, 6 are still under consideration.

Overall view of specific instances raised at the NCP since may 2000.

Finalised instances under the NCP (in total 4):

- LIW and Adidas have reached agreement in their specific instance on labour issues in India. A common statement has been presented and published on the website. (common statement is attached in this annual report). LIW and Adidas agreed to continue the dialogue on monitoring systems of codes of conduct of Adidas. The instance was finalised in December 2002.
- Wäertsilä: The labour unions had put forward a question on the need to timely inform labour representatives on changes in the company that have consequences for their employees. In this case it concerned the closing of a company. The unions withdrew their question in the negotiations of a relieve/ social plan. Local government authorities had no interest in the continuation of the instance at the NCP, as they have other ways to address these issues with companies. (This instance was finalised in 2001).
- After the initial assessment, the Dutch NCP has closed two instances due to the fact that these instances involved a situation in another adhering country.
 - One concerned the behaviour of an enterprise (part of a French group) in America (September '02)
 - One concerned the behaviour of Korean companies in Guatemala (March '02)

Specific instances still under NCP procedure (in total 6):

- Two instances have been raised by the Labour Unions on the behaviour of companies in Burma.
 - In the first instance, the parties involved had a tripartite meeting. The Labour Unions and the company involved have been in contact since then to inform each other on the continuation of the procedure. Parties have agreed that they need to find a way for common understanding to close the case. (case was raised in July '01)
 - The second instance has been raised in November '02. A question in the tourist section. Both parties have explained their position in a meeting with the NCP. A tripartite meeting will take place in July '03.
- Two instances have been put forward by the Labour Unions on timely information to labour representatives concerning the closure of a company.
 - The first instance concerned the closure of an affiliate of an American company and raised the question on who is in control of decision making, and at what point do you need to inform employees. (raised in September '02, The Labour Union withdrew their question in January '03, in relation to successful negotiations of a social plan. Unions also asked the government to act as an interested party. However government considers that it has other

means to talk with companies. The case is not closed, as the NCP still has to make a statement on the issue).

- The second instance concerned the treatment of employees in the process of financial closure of a company. The trade union has been heard. The NCP is now looking for the legal representative of the company, as the company no longer exists. (August '02).
- One instance on the supply chain provision. The question arose whether this provision is also applicable to trade relations. After consultations with the parties concerned this question has been put forward by the Dutch NCP to the CIME. With the confirmation on the intent of the guidelines of the CIME (April '03), the matter can be closed. The NCP will make a statement (raised in July '01).
- One instance concerned fish-farming activities in Chile (September '02). It was decided that this instance should not be considered by the Dutch NCP but by the NCP of Chile. Nevertheless, the Dutch NCP acts as a mediator/facilitator for the Chilean NCP due to the involvement of a Dutch NGO and a Dutch company.

Procedure of specific instances

The NCP noticed that parties involved in the CSR discussion were unsatisfied with the clarity of the procedures of the NCP. Although the NCP of the Netherlands considers the guidance for NCPs in the OECD-guidelines enough for internal decisions on the specific instances, the NCP felt that there was room for improvement on time-management of several steps during a procedure. The NCP still believes that you can not set a time limit to the procedure, as this depends on the willingness and ability of parties involved to make arrangements for meetings, etc. Taking this into consideration the NCP has developed a brochure with some explanation and some guidance on timing in matters that can be controlled by the NCP (for example, the time for draft minutes of a meeting to be send to parties involved). This brochure has been discussed with consultation parties and will be published in the summer of 2003.

D. Other

Visibility: The visibility of the NCP depends also on the possibility of Ministers to promote the NCP. Due to the fact that the Netherlands had two elections, in the last year this part of the promotion was not used to the maximum potential. Other promotion activities where also used. In line with previous actions, the NCP has made a communication plan for 2003.

Accessibility: With the website, a NCP-e-mail address and telephone, fax and mail addresses at the Ministry of Economic Affairs the NCP believes that there are adequate opportunities to contact the NCP. Further initiatives with e-mail links at relevant sites, for example export-sites, are being developed.

Transparency: With the consultations, publications on the website, publication of the yearly report, the NCP believes that there is adequate opportunity to be informed about the activities of the NCP. NGO's have commented that they believe that transparency can be improved especially in the field of feedback from the meetings of the CIME.

Accountability: The NCP reports annually to parliament.

NEW ZEALAND / NOUVELLE-ZELANDE

A. Institutional Arrangements

An update of Annex 1 is attached. No update is required for Annex 2.

- *Where is the NCP located?*

This changed in September 2002 and is now:
Regulatory and Competition Policy Branch
Ministry of Economic Development
PO Box 1473
Wellington
New Zealand
Ph: (644) 474 2967
Fax: (644) 471 2658
Email: marian.kljakovic@med.govt.nz

- *What is the composition of the NCP?*

This changed in September 2002. The New Zealand National Contact Point now comprises officials in the Regulatory and Competition Policy Branch of the Ministry of Economic Development.

The NCP is assisted by a Liaison Group comprising representatives from the NCP, Ministry of Foreign Affairs and Trade, Department of Labour, Ministry for the Environment, Treasury, the New Zealand Council of Trade Unions, Business New Zealand and the New Zealand Business Council for Sustainable Development. Its members represent the views of their stakeholders to the NCP, promote and supply information about the Guidelines to their stakeholders and work towards a co-operative approach to the Guidelines. The Liaison Group will meet three times a year. Its first meeting was held on 7 May 2003.

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

The NCP draws on the expertise and resources of other relevant government agencies as needed.

The NCP recognises that meeting the responsibilities for the Guidelines will require a whole of government approach. The NCP has sought the active involvement of other government departments in the following ways:

- By asking each department to take responsibility for ensuring that everyone in the department is aware of the Guidelines and incorporates them appropriately in the department's policies, processes and business.
- By asking departments to help promote the Guidelines to their stakeholders and others in the wider community and to encourage the uptake of the recommendations in the Guidelines.

- Where a specific instance is raised under the Guidelines, the NCP will work closely with the department which has the policy responsibility in respect of the particular issue raised.
- *How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the NCP?*

The NCP consults with business, labour groups and other social partners as required. During the course of this year consultations have been held particularly with the New Zealand Council of Trade Unions and Business New Zealand.

In addition, the Liaison Group provides a link, through Business New Zealand and the NZ Council of Trade Unions, to the business community and employee organisations.

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

The NCP welcomes the input of NGOs and wider civil society. It consults with interested parties including NGOs as required. The Liaison Group provides an additional link to NGOs through the participation of the New Zealand Business Council for Sustainable Development as a member of the group.

B. Information and Promotion

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

The Guidelines are available in written and electronic form from the Ministry of Economic Development. The Ministry's website includes a link to the Guidelines. The website was expanded and updated in April 2003 and a more user-friendly URL, <http://oecd-multinat.med.govt.nz>, was supplied. Hard copies of the Guidelines are available on request and have been sent to anyone who asks for them. The Guidelines have also been distributed as part of information packs to seminar attendees and other people inquiring about the Guidelines.

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

The Liaison Group acts as one major channel for co-operation. Its members promote and supply information about the Guidelines to their stakeholders and work towards a co-operative approach to the Guidelines. The NZ Council of Trade Unions is largely responsible for channelling discussion with its members. The business community, NGOs and the public are a wider and more diffused group, making it harder to ensure coverage of all. The NCP has made direct approaches to and had discussions with particular members of the business community, NGOs and the interested public. It will continue to do so as appropriate. The NCP is also investigating various methods to contact multinational enterprises in order to inform them about and promote the Guidelines. We have drawn the Guidelines to the attention of the Overseas Investment Commission, the New Zealand Trade Development Board and the major relevant social partners. The message about the Guidelines will continue to need reinforcement over time.

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

The NCP has distributed information about the Guidelines to all government departments and advised them about their obligations under the Guidelines.

The NCP conducted a meeting in March 2003 chaired by its CEO with representatives from key departments (Department of Labour, Ministry for the Environment, Ministry of Foreign Affairs and Trade and Treasury), to discuss how departments could best work together to promote and implement the Guidelines in New Zealand.

The NCP arranged seminars in March 2003 to introduce New Zealand government departments, businesses, trade unions, voluntary groups and other stakeholders to the Guidelines. The Ministry invited Veronica Nilsson from the Trade Union Advisory Committee to the OECD to address those seminars. The Prime Minister met with Veronica Nilsson to discuss the Guidelines.

The NCP prepared and distributed information packs about the Guidelines to seminar attendees and other interested parties.

The NCP has seen articles on the Guidelines published, for example in the newsletter of the New Zealand Business Council for Sustainable Development on 4 December 2002, the New Zealand Export News (newsletter for the New Zealand Trade Development Board) on 21 March 2003 and the New Zealand Herald on 2 April 2003.

The Prime Minister chaired the OECD Ministerial Council Meeting in April 2003, which gave some prominence to the Guidelines. The Chair's summary of the meeting referred to the Guidelines.

No update to Annex 3 is required.

- *Have enquiries been received from:*

a) other NCPs;

No enquiries have been received from other NCPs.

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

Enquiries have been received from the business community, the NZ Council of Trade Unions, other NGOs and the public. Most of these enquiries have been of an informational nature.

c) governments of non-adhering countries;

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

C. Implementation in specific instances

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

The NCP is developing principles and procedures to deal with specific instances and has discussed these with the Liaison Group. At this stage it is not considered appropriate to formalise further detailed procedures.

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

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

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

Not applicable.

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

No specific instances have arisen in non-adhering countries.

D. Other

- *How have the core criteria for the operation of NCPs been applied in your country to further the effectiveness of guidelines implementation?*

Visibility: The Guidelines are readily available, through the Ministry website and in other ways. As described above, steps have been taken to increase the visibility of the Guidelines and the NCP.

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

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

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

- *Other information on the nature and results of NCP activities;*

The location of the NCP was moved from the Ministry of Foreign Affairs and Trade to the Ministry of Economic Development in September 2002. The first meeting of the Liaison Group was held in May 2003. As the new NCP, Ministry officials are conscious that they are at the beginning of a process, that awareness of the Guidelines is not yet high in New Zealand and that they will be feeling their way ahead as NCP. They are still establishing new arrangements, including procedures to deal with any specific instances raised with the NCP.

The new NCP's main focus to date has involved promoting the Guidelines, distributing information about them and raising awareness of them in New Zealand. While there has been some progress, the NCP is conscious that more needs to be done, and will continue its promotional activities.

If the Guidelines are to be used constructively to improve corporate practices, there needs to be a co-ordinated co-operative approach rather than a confrontational one, from all stakeholders. The NCP will be exploring ways to further such an approach, particularly through the Liaison Group.

NORWAY / NORVEGE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, last year's Annex Table 1 ("Structure of the National Contact Points") and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

Update not necessary.

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

Unchanged.

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

If necessary the NCP will contact agencies not represented in the NCP.

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

Business and labour are represented in the NCP.

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

Informal contacts were established with The Norwegian Forum for Environment and Development (ForUM) during the revision of the Guidelines. ForUM is a network organisation for approx. 60 Norwegian NGOs and has produced their own "Guidelines Concerning Human Rights and Environment for Norwegian Companies Abroad" which i.a. state that Norwegian companies should adhere loyally to the OECD Guidelines (<http://english.forumfor.no/>).

B. Information and Promotion

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

The Guidelines are translated into Norwegian and are available on the website of the Ministry of Foreign Affairs.

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

Co-operation is carried out through the NCP.

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

No

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

Update not necessary

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

No

C. Implementation in specific instances

- *Have procedures been put in place to deal with specific instances?*
- *Have specific instances been brought to the attention of your National Contact Point? By whom (business, labour, NGOs, other NCPs, others)?*

Yes, see below

- *If applicable, how did your National Contact Point assist in solving these specific instances? What was the outcome?*
- *Have any specific instances arisen in non-adhering economies? What procedures were followed by the NCP? What was the outcome?*

In April 2002 the International Transport Workers' Federation (ITF) raised the question of a breach of the Guidelines by a Norwegian maritime insurance company (P&I club) in the Philippines and Indonesia. The ITF had received complaints that in personal injury and death cases, the Norwegian company refused to pay contractual benefits to Seafarers in the absence of the Seafarer or his family granting a complete and full release, not only for contractual benefits, but for any causes of action at law. Additionally complaints had been received that the Norwegian company had refused to honor the vessels owner's obligation to provide basic health care benefits for injured Seafarers.

The issue was referred to at the Norwegian NCP's meeting on 23 April 2002 and it was agreed to revert to it at a later meeting of the NCP for further consideration. In accordance with the implementation procedures of the OECD Guidelines the NCP at its meeting on 29 October 2002 focused on making an initial assessment of whether the issues raised by the ITF merited further examination.

The NCP concluded that the Norwegian company had not been in contradiction with the Guidelines and that the issue did not merit further examination.

D. Other

- *How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.*
- *Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*

POLAND / POLOGNE

A. Institutional Arrangements

No updates are necessary in addresses. No updates necessary in Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes").

The Polish National Contact Point is located at the Polish Agency for Foreign Investment (PAIZ) since April 2001. Its address is:

Polish Agency for Foreign Investment
Al. Róż 2, 00-559 Warsaw, Poland
tel: (48-22) 334-98-71
fax: (48-22) 334-99-99

In the range of NPC's activities Polish NPC reports to the Ministry of Economy, Labour and Social Policy (where it was previously located), which allocates resources to PAIZ.

As far as social partners are concerned, NCP stays in contact (correspondence and telephone calls) with employee organizations (trade unions) at several companies. Besides NCP keeps in touch with embassies, foreign companies and individuals. In 2002 Polish NCP co-operated with German NCP.

B. Information and Promotion

The Guidelines were translated into Polish and are available through several distribution channels. First of all it is possible to find them on the website of the Polish NCP integrated into the website of the Polish Agency for Foreign Investment. It describes NCP's role and provides the reader with a short introduction to what the Guidelines are. It is possible to download the Polish version of the Guidelines and there is a link to the English version on the OECD website. The Guidelines in Polish are also available on the Ministry of Economy, Labour and Social Policy website (www.mg.gov.pl). Secondly, the Guidelines are available in the printed version and have been edited as an aesthetic booklet. Each investor visiting PAIZ can take the copy of the Guidelines with them. Thirdly, guidelines are available from the NCP upon request in electronic version.

Polish NCP stays in a constant contact with the business community and trade unions. All informative activities are conducted according to the core criteria for the operation of NCPs. Whenever NCP is approached by a business partner, it makes sure they got acquainted with the Guidelines. It answers to questions from trade unions and the business community concerning both the Guidelines, procedures and matters connected with special instances. Co-operation with the public includes contact with individuals such as employees of embassies, and ministries (especially the Ministry of Economy, Labour and Social Policy), employees of consulting firms and people dealing with Corporate Social Responsibility within the EC, students of law and economics and individuals interested in the activities of the NCP and the Guidelines.

In 2001/2002 promotional activities had an open character and were performed to a broad audience. In 2002/2003 the Polish NCP took a different approach. Promotional activities towards individuals and companies were of direct marketing nature. A new target group was also addressed – students. Promotional and informational lecture on the Guidelines has been held at the Warsaw School of Economics (WSE), the

most prestigious economics university in Poland. The audience were students in their last years of studies, interested in legal issues. Many of WSE students tend to seek employment with companies with foreign capital and therefore constitute the right target group to be informed on the Guidelines. Presentation was held in January 2003 and concerned general information about the Guidelines and more detailed information on the IV chapter – Employment and Industrial Relations, which constitutes the most popular topic of claims raised at the Polish NCP. The audience has shown much interest in the lecture and the NCP answered numerous questions about the Guidelines afterwards.

Second type of promotion was directed towards individuals and people representing business community. It comprised distributing the Guidelines booklets and answering to enquiries about them and the role of the NCP. Polish NCP has received enquiries from employee organizations, companies and the public both in writing (mostly e-mails) and during visits in PAIZ as well as via telephone. Enquires concerned the Guidelines, solved NCP cases, co-operation between NCP and the OECD, the every-day procedures and activities of the NCP. The questions asked have proven that the NCP is known among the society (individuals approaching us disposed of previous knowledge about the NCP) and that there is an interest among the society in the Guidelines.

C. Implementation in specific instances

Polish NCP is in the course of setting procedures for dealing with specific instances with respect to mediation between sides of a conflict. Experience of other NCP would be very useful in executing this task.

Polish NCP deals with a specific instance raised by an employee organization of a company from the construction sector, that complains about the violation of workers rights. The board is accused of the following:

- Does not respect the right of their employees to be represented by trade unions (Part IV, 1.a) by moving their seat to a distant district to limit the contacts between workers and trade unions representatives, by not letting them to join the meeting of trade unions and by stopping to deduct contributions for the trade union from the wages.
- Does not engage in constructive negotiations with a view to reaching agreements on employment conditions (Part IV, 1. a) by delaying setting a new collective agreement and blaming the trade union for the delay.
- Does not provide facilities to employee representatives as may be necessary to assist in the development of effective collective agreements (Part IV, 2.a) by delaying a new collective agreement.
- Does not provide information to employee representatives which is needed for meaningful negotiations on conditions of employment (Part IV, 2.b) by refusing the right to voice their view on an organized conciliatory meeting while the Board presented distorted version of the events.
- Does not promote consultation and co-operation between employers and employees and their representatives on matters of mutual concern (Part IV, 2.c) by showing ill will to communicate and using loopholes existing in the Polish law.

- Does not observe standards of employment and industrial relations not less favourable than those observed by comparable employers in the host country (Part IV, 4.a)
- Does not enable authorized representatives of employees to negotiate on collective bargaining with representatives of management who are authorized to take decisions on these matters (Part IV, 8)
- Does not provide reasonable notice of changes in their operations which would have a major effects upon the livelihood of their employees (Part IV, 6).
- Does not obey the resolutions of the Labour Inspection

NCP started mediation through correspondence however it turned out not to be sufficient. The Board was addressed with letters, however they delayed with their response. Finally they replied that they were not a multinational enterprise. Secondly, they claimed that they obeyed Polish labour law and therefore they abide all OECD Guidelines. NCP stays in constant contact with both sides. Polish NCP contacted also the German NCP with request for help in this matter and for contacting the German owner of the Polish company, hoping that their influence on the Polish Board of Directors could convince both sides to co-operation. In the letter from the German owner it was claimed that there is no conflict in the company.

There was an issue raised to the NCP from a trade union of another company from the construction sector. It was claimed that the activities of the Board are against the IV chapter of the Guidelines. Correspondence has been started and the board was informed about the Guidelines. NCP did not receive more specified information concerning the complaint therefore no further steps were taken.

D. Other

In order to abide the core criteria for the operation of NCPs, whenever a claim is raised to the NCP, both sides of a conflict are continually and equally informed - about each letter from any of the parties and each issue raised by them. NCP answered numerous enquires about its activities and the Guidelines, however so far NCP did not reveal names of the companies involved. NCP conducted promotional activities, and made Guidelines more accessible for investors operating in Poland. Besides, whenever a claim is raised at the NCP, both sides are without delay thoroughly informed about the Guidelines and facilities associated with the NCP.

The NCP responded to all legitimate requests for information and enquires. NCP makes use of the electronic form of communications: e-mails and the website, from which it is possible to directly address the contact person. According to ISO procedures at the Polish Agency for Foreign Investment it is required to answer to enquiries within 24 hours. The same rule concerns the NCP integrated in the structure of PAIZ.

As a final remark, the Polish NCP would like to stress that the public expectations towards the NCP reaches much further than its range of responsibilities and possible activities. It is especially visible in the expectations of trade unions, which seem to treat NCP as a panacea for all their complaints and hope it can exact such behaviour from the other party of the conflict which was not possible to exact by a court verdict. The fact that the Guidelines do not have a legal status enables the Guidelines to be comprehensive, but at the same time limits the possible impact of NCPs' actions. One of the roles of NCP was to remind the Trade Union that the Guidelines do not over-ride Polish law.

PORTUGAL

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

1. Location and other relevant co-ordinates of National Contact Point

National Contact Point of the Slovak Republic - NKM SR
Odbor podnikateľského prostredia
MH SR, Mierova 19, 827 15 Bratislava
Phone: +421-2-48541508
Fax: +421-2-48545037
E-mail: kapko@economy.gov.sk
Web site: <http://www.economy.gov.sk/spolupraca/smernicepodniky.doc>

2. Composition of the National Contact Point

NKM SR is a single unit at the Ministry of Economy of the Slovak Republic (MoE SR). In the organization structure of the MoE SR, the NKM SR is under the Division of Strategy. The Administrator of NKM SR is at the same time State Counselor of Department of Business Environment Promotion.

3. NCP relation to other government agencies

NKM SR has no direct link to other government agencies. MoE SR is represented at regular sessions of Coordination Committee for Activities of the Slovak Republic in the OECD. Domains of the Guidelines and the NKM SR are included in the agenda of the Coordination Committee. The Coordination Committee is composed of 27 relevant ministries and agencies of the Slovak Republic responsible for cooperation with the OECD.

4. NCP relation to social partners

Neither business community nor employee organizations are integral parts of NKM SR. They are only involved in discussion and exchange of views either directly or at the sessions of Co-ordination Committee for Activities of the Slovak Republic in the OECD.

5. NCP relation to other interested parties, including non-governmental organizations (NGOs)

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

B. Information and Promotion

1. Availability of the *Guidelines* in the Slovak Republic

Translation of the Guidelines to the Slovak language and other relevant information is made publicly available at the NKM SR website under the Ministry of Economy of the Slovak Republic (see A.1.). Information about presentation materials on the Guidelines and the NKM SR have been published in national economic press.

2. Co-operation with the business community, trade unions, NGOs and the interested public with respect to information on, and promotion of, the *Guidelines*

Business community and trade unions are involved in discussion and exchange of views either directly or at the sessions of Co-ordination Committee for Activities of the Slovak Republic in the OECD. NGOs and the interested public are involved in communication either by direct discussion or mostly via e-mail address which is publicly made known.

3. Other information and promotion activities held or planned

NKM SR has participated at several sessions of a seminar or forum of leading multinational companies operating in the Slovak Republic, and presented there the Guidelines and associated activities for their implementation. The forum is organized by an international NGO focusing on development of international cooperation and economic transformation. The topic of the forum is Corporate Social Responsibility. The outcome of the forum is a publication called BOOKLET FOR BUSINESS ETHICS.

Other seminars and/or conferences may be organized by NKM SR if substantial interest from the social partners is shown via various means of communication. For the time being, there are not many requests for information or explanation about the NKM SR and the Guidelines. There is close coordination with investment promotion policy of the MoE SR. Communication is going on with the Bratislava University of Economics, which is the leading business school in the country.

4. Enquiries received by NCP

There have been requests from national and foreign NGOs on activities of NKM SR. The form of enquiries has been written and oral.

C. Implementation in specific instances

1. Procedures put in place to deal with specific instances

NKM SR is operational and ready to proceed with specific instances, which might arise. This operability is given by regular and active participation of NKM SR Administrator in the work of CIME and WPG on the Declaration.

2. Specific instances brought to the attention of NCP

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

3. Specific instances arisen in non-adhering economies

No concrete specific instances of operations of MNEs of the Slovak Republic in non-adhering economies have been brought to the attention of NKM SR.

D. Other

1. Core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) applied in the Slovak Republic to further the effectiveness of guidelines implementation

NKM SR is publicly visible, as information on the publication mentioning its activities and the *Guidelines* has been published in leading national economic magazine. NKM SR is publicly accessible via telephone, telefax and e-mail as well as through its web pages under the Ministry of Economy of the Slovak Republic (see A.1.). Activities of the NKM SR have been so far promotional and in the area of exchange of views with main social partners and have been conducted in a transparent manner. No commitments in the area of confidentiality had to be taken by NKM SR as no specific instances had been raised. Accountability of the NKM SR at national level is there on two main fronts. (1) Administrator of NKM SR reports to Director of Department of Business Environment Promotion of the MoE SR. (2) At the same time, the Administrator of NKM SR is accountable to the Head of Delegation of the Slovak Republic to the CIME and to the Co-ordination Committee for Activities of the Slovak Republic in the OECD.

Elaborated by: Martin Kapko, Administrator of NKM SR

SLOVENIA / SLOVENIE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, last year's Annex Table 1 ("Structure of the National Contact Points") and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*
- *NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees)?*

In an Advisory Committee was considered if a Single department structure is still proper for broader work of the NCP. No conclusion has been made, yet.

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

SLONCP has together with Trade and Investment promotional Agency visited some foreign investors to recognise what can be done from the Government point of view to support business.

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

Slovenian NCP has regular yearly meeting with business associations, trade unions and NGO representatives.

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

The Ministry of the Economy has modernised the web side and the new address is: www.mg-rs.si. Everything else remains unchanged.

B. Information and Promotion

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

Slovenia has translated the Guidelines, as was mention before, the web side has been changed and we decided to print out small brochure with very brief summary of all Guidelines topics. The brochure will serve as promotional material in the government Agencies dealing with foreign investments and for the visitors in the Chamber of the Commerce.

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

It was held a very successful meeting in Slovenian Parliament, Committee for Economy explaining meaning and importance of the Guidelines and Slovenian adherence to them.

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

No change since last year,

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*
- *Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?*

NO

C. Implementation in specific instances

- *Have procedures been put in place to deal with specific instances?*
- *Have specific instances been brought to the attention of your National Contact Point? By whom (business, labour, NGOs, other NCPs, others)?*
- *If applicable, how did your National Contact Point assist in solving these specific instances? What was the outcome?*
- *Have any specific instances arisen in non-adhering economies? What procedures were followed by the NCP? What was the outcome?*

No change since last year

D. Other

- *How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.*
- *Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*

Yes, I feel extremely on pressure about promotional activities of the NCP. To be clear, Slovenia is a well-developed economy, perhaps not large, but the trade rules for domestics and foreign companies are well known. We adopt more or less EU legislation is member of the WTO and other international organisations and I feel no big room for general presentation about importance or contents of the Guidelines. It will be strange for me to make a presentation to business about topics they already know and operate in this spirit. For this reason we prepared small brochure and leave it on voluntary basis who will take it.

SPAIN / ESPAGNE

A. Organisation institutionnelle

- *Où est le PCN?*

Le PCN espagnol est situé au:

Secrétariat Général pour le Commerce Extérieur
Ministère de l'Économie
Paseo de la Castellana, 162
28046 Madrid
- téléphone: 91 349 38 60
- fax: 91 457 28 63
- e-mail: PNacional.Contacto@sscc.mcx.es

- *Quelle est la composition du PCN?*

Le PCN est un service unique du Ministère de l'Économie.

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

Le PCN maintient des contacts réguliers avec le Ministère de l'Environnement, le Ministère du Travail et des Affaires Sociales, le Ministère de la Science et de la Technologie, le Ministère de la Santé et de la Consommation et le Ministère de la Justice.

- *Comment sont impliqués les partenaires sociaux dans le fonctionnement du PCN?*

Les partenaires sociaux (milieu d'affaires: CEOE et Conseil Supérieur des Chambres de Commerce; Syndicats: UGT et CC.OO.) assistent à des réunions du PCN.

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

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

B. Information et promotion

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

Dans les rapports 2001 et 2002 il avait été indiqué que les Principes directeurs avaient été traduits à l'espagnol et qu'une page web sur le site du Ministère de l'Économie avait été mise en place.

Les partenaires sociaux ont été informés sur les Principes directeurs et en ont reçu les textes en espagnol, ainsi que les ONG qui ont assisté à des réunions du PCN et les autres ministères concernés.

- *Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée?*

La coopération s'organise par le biais de réunions du PCN auxquelles sont invités les partenaires sociaux (milieux d'affaires, syndicats) et des ONG, ainsi que des représentants de cinq autres ministères.

D'autre part, le PCN a édité en espagnol la brochure du TUAC traduite par les syndicats

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

Le PCN a pris contact avec la CESCE (Agence de Crédit à l'Exportation, qui gère les garanties d'investissement), la COFIDES (Société de financement du développement) et l'ICO (Institut du Crédit Officiel) afin que les demandeurs de mesures de soutien et de garanties pour les investissements à l'étranger soient informés au sujet des Principes directeurs. Pour ce faire, de nombreuses brochures contenant le texte des Principes directeurs ont été fournies à ces organismes.

Le Conseil Supérieur des Chambres de Commerce a lui aussi reçu ces brochures pour qu'elles soient distribuées à ses membres.

- *L'annexe 3 de ce questionnaire contient le Tableau 1 du Rapport du Président de la réunion 2002 des PCN (« Liens – les Principes directeurs de l'OCDE et les programmes de crédits à l'exportation, de garanties d'investissement à l'étranger et de promotion de l'investissement »). Les PCN sont priés d'actualiser ce tableau.*

Sans objet.

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

Non.

C. Mise en oeuvre dans des circonstances spécifiques

- *Des procédures particulières ont-elles été mises en place pour traiter de cas spécifiques?*

N'ayant pas eu de problèmes spécifiques à traiter au PCN, il n'a pas encore été établi de règlement ou de procédure à suivre, afin de bénéficier de la plus grande flexibilité possible dans chacun des cas qui se présenteraient, comme ce PCN a déjà indiqué dans sa réponse au « Questionnaire sur les Procédures des PCN ».

- *Des cas spécifiques ont-ils été portés à l'attention du PCN? Par qui?*

Le PCN n'a été saisi d'aucun cas spécifique.

- *Comment le PCN est-il intervenu dans la résolution de ces cas spécifiques? Quelle a été l'issue?*

Sans objet.

- *Certains cas spécifiques ont-ils été soulevés dans des pays n'adhérant pas aux Principes?*

Sans objet.

D. Divers

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

Les quatre critères (visibilité, accessibilité, transparence et légitimité) de fonctionnement du PCN sont assurés par les contacts maintenus autant avec les partenaires sociaux et les ONG qu'avec d'autres départements de l'Administration.

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

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

SWEDEN / SUEDE

A. Institutional Arrangements

- *Composition?*

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

Participants in the NCP:

Foreign Ministry:

- International Trade Policy Department
- Department for Global Development
- International Law and Human Rights Department
- Department for Global Security

Ministry of Industry, Employment and Communications

Ministry of Environment

Ministry of Justice (consumer interests)

National Board of Trade

Organisations:

- Swedish Metal Workers' Union (Metall)
- SIF - Swedish Union of Clerical and Technical Employees in Industry
- Swedish Confederation of Professional Employees (TCO)
- Swedish Trade Union Confederation (LO)
- Swedish Confederation of Professional Associations (SACO)
- Confederation of Swedish Enterprise (Svenskt Näringsliv)
- Swedish Federation of Trade (Svensk Handel)

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

No changes since last year.

The NCP is open for participation by any interested agency. In April 2001, a meeting was organised specifically to discuss the Guidelines with various government agencies that are not part of the NCP. The invited agencies were: National Board of Occupational Safety and Health, National Institute for Working Life, Swedish Work Environment Authority, The Swedish Accounting Standards Board, Invest in Sweden Agency, Export Credits Guarantee Board, Swedish Trade Council, National Integration Office, Office of the Equal Opportunities Ombudsman, Defence Matériel Administration, Swedish Environmental Protection Agency, National Board for Public Procurement, Office of the Ombudsman against Ethnic Discrimination, National Chemicals Inspectorate, National Board for Consumer Policies, National Board of Trade, Swedish Business Development Agency, Swedish Competition Authority, National Tax Board, Knowledge Foundation, Swedish Agency for Innovation Systems.

- *Social partners (business community and employee organisations) involvement?*

No changes since last year.

Parties in the NCP.

- *Other interested parties, including non-governmental organisations (NGOs)?*

Since the launch of the Swedish Partnership for Global Responsibility last year, NGOs have shown an increased interest in the Guidelines and the work of the NCP. Further to two specific instances that were raised in February this year, a number of formal and informal contacts have been taking place between the NCP and NGOs.

Members of the NCP regularly attend seminars and conferences where they inform about and discuss the Guidelines and the work of the NCP with NGOs. For example, the chairperson of the NCP participated in an OECD-CUTS roundtable on "Foreign Direct Investment in Transition Economies: Challenges, Policies and Good Practices", Istanbul, 5-6 May 2003, where she presented the OECD GL for MNEs and their role in promoting development.

B. Information and Promotion

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

The Guidelines and selected commentaries have been translated into Swedish and arranged in a handbook. The handbook is posted on a webpage: www.ud.se/nkp

- *Information?*

1. The handbook is currently being re-edited and printed in an additional 5000 copies. So far, 7500 copies of the handbook have been distributed to all Swedish embassies, the Swedish Parliament, the members of the organisations represented in the NCP, various other interested organisations and companies and on request. All companies applying for officially supported export credit guarantees are also given the handbook.
2. The handbook and a short information note on the GL have been available at the seminars organised by the Swedish Partnership for Global Responsibility. These seminars are attended by an average of 100 representatives from the business sector, NGOs, trade unions and the Government Offices.

- *Co-operation on promotion of the Guidelines?*

1. The Swedish NCP is a tripartite body constituted of representatives from the business sector, trade unions and the Government. NCP meetings provide valuable input for the position of Sweden to the CIME and the co-operation is fundamental for the promotion of the Guidelines.
2. Swedish Partnership for Global Responsibility

The Swedish Government actively encourages Swedish business to behave responsibly by following the OECD Guidelines. The "**Swedish Partnership for Global Responsibility**" was launched by the Prime Minister in March 2002 and is an effort to encourage Swedish companies to become ambassadors for human rights, core labour standards, anti-corruption and a decent and sound environment, throughout the world. The point of departure is provided by the OECD Guidelines and the nine principles set forth in the UN Global Compact.

The Partnership is a crosscutting function within the Government Offices, based in the Ministry for Foreign Affairs but working closely with the other ministries and government agencies involved. The aim is to bring clarity to the debate on CSR, highlight good examples and bring different actors and stakeholders together, as well as assisting individual companies.

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

Companies can join the Swedish Partnership for Global Responsibility by submitting a written expression of their desire to support and strive to fulfil the OECD Guidelines and the nine principles of the Global Compact. Their co-operation is displayed by posting the company's name and a description of its work on the Government website; www.ud.se/ga. So far nine companies have joined: **ICA, Löfbergs Lila, The Body Shop, Folksam, H&M, OM AB, ITT Flygt, Vattenfall and KPA.**

3. The activities of the NCP intensified due to the two specific instances reported in February. Four regular and five additional meetings have been held during the past year.

At the November meeting the Ambassador for the Swedish Partnership for Global Responsibility, Ms Mia Horn af Rantzen, gave a progress report to the NCP.

At the January meeting, IKEA presented its work on CSR to the NCP. IKEA was one of the first companies to sign a framework agreement with an international trade union, the International Federation of Building and Wood Workers (IFBWW), in 1998. The NCP agreed that such arrangements are a good way to promote CSR, in particular regarding labour issues.

4. Parties in the NCP are actively engaged in preparing and conducting seminars. For example, the Confederation of Swedish Enterprise has organised two seminars relating to CSR to which a wide range of actors were invited. The Swedish Trade Union Confederation hosted a two-day Global Unions meeting on Corporate Social Responsibility in April this year.
5. The State Secretary responsible for Foreign Trade (Ms Lotta Fogde) has written to all Swedish embassies inviting them to take an active part in the Swedish Partnership for Global Responsibility and thereby promote the Guidelines as an important instrument for corporate social responsibility.
6. By informal and formal meetings, efforts have been made to increase awareness of the Swedish Partnership for Global Responsibility and the Guidelines within the Government Offices.
7. In June 2003, four members of the NCP in addition to its chairperson will participate in a Nordic NCP meeting in Copenhagen.

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

The following are examples of other information and promotion activities that have taken place:

1. The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on bribery, the OECD GL for MNEs and the Swedish Partnership for Global Responsibility.
 2. In the OECD Working Party on Export Credits and Export Credits Guarantees, Sweden recently proposed that Members should undertake to ensure that their Export Credit Agencies inform their clients about the provisions of the OECD GL for MNEs. The Working Party approved this proposal.
 3. The chairperson of the NCP gave a lecture on the Guidelines and the role of the NCP at Stockholm University, in the context of a course on Environmental Management at the Centre for Natural Resources and the Environment.
 4. The Ambassador for the Swedish Partnership for Global Responsibility held a presentation about the Partnership and the Guidelines at the Danish Presidency's conference on CSR in Helsingor, December 2002.
- *Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?*
 - a. No specific enquires have been received from other NCPs.
 - b. Many. In particular since the launch of the Swedish Partnership for Global Responsibility in March 2002 and after the two specific instances were reported in February 2003. NGOs, academic institutions, the media and others have contacted the NCP to learn more about the Guidelines and the role of the NCP. The Minister of Trade has also answered enquiries from Parliament regarding the implementation of the Guidelines and the role of the NCP as an instrument for securing Swedish companies' compliance with the GL.
 - c. No.

C. Implementation in specific instances

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

No. Cases will be handled in accordance with the procedural guidance as long as there is no conflict with Swedish law.

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

Yes. Two NGOs have jointly brought two specific instances to the NCP's attention.

The instances are the first to be brought to the attention of the NCP in fourteen years, the first under the revised guidelines, the first brought forward by an NGO and the first in a non-adhering country.

The specific instances have therefore raised a number of questions of principle about the applicability of the guidelines and the role of the NCP.

- *Has the National Contact Point taken up any specific instance of its own initiative?*

On the initiative of the Swedish Trade Union Confederation (LO) and the Swedish Confederation of Professional Associations (SACO) and in response to the UN Panel Report on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the NCP wrote a letter to a company with a Swedish profile which was linked to one of the companies listed in annex three of the UN panel report, asking for further information about its involvement in the DRC.

- *Have any specific instances arisen in non-adhering economies?*

Yes. The two instances that the NCP is currently assessing.

D. Other

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

Visibility: The Swedish Partnership for Global Responsibility has been of great importance for promoting the GL and it is clear that interest among Swedish companies, unions, NGOs and others is intensifying.

Whenever the chairperson of the NCP participates in seminars and conferences she presents the Guidelines, the NCP and their potential benefits.

Accessibility: Members of the NCP (representing the business sector, trade unions and the Government) participate in different groups, which is an asset in the work of the NCP and the effective implementation of the Guidelines.

Accountability: The close collaboration between different actors within the NCP ensures that different interests are considered in its work.

Transparency: Summary reports from meetings of the OECD Working Group and the Swedish NCP are posted on the webpage, www.ud.se/nkp, together with other relevant information.

Concerning the two specific instances, information on the process and the outcome will be given when finalised.

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

Annex 1.

**Swedish proposal regarding the ECAs' role in promoting the
OECD Guidelines for Multinational Enterprises (MNEs)**

The OECD has played an important role in creating and developing rules of behaviour for companies that are involved in international trade and international investments. The OECD guidelines for MNEs, the Conventions on Combating Bribery of Foreign Public Officials in International Business Transactions as well as the agreement in the ECG on Common Approaches on Environment are good examples of this.

The general interest for and attention given to ethical and other standards has clearly increased during the last couple of years. It could be expected that the pressure to further develop standards and rules of behaviour will continue to increase.

Sweden considers it very important that companies who are involved in international trade have good ethical standards and show good behaviour. The Swedish Government tries to promote this in different ways. Most importantly, the Prime Minister has launched the initiative "Swedish Partnership for Global Responsibility". This initiative builds on the principles of the UN Global Compact and the OECD Guidelines for MNEs and aim at encouraging business to follow the standards of those instruments.

It should be mentioned that the Swedish Export Credits Guarantee Board (EKN) has been asked by the Swedish Government to provide information to its customers about the rules on bribery, the OECD Guidelines for MNEs and the Swedish Partnership for Global Responsibility. As we understand, some other members of the ECG are like EKN informing their exporters about these guidelines.

All our countries have given approval to the OECD Guidelines for MNEs and committed themselves to spreading information about them to all companies concerned. Sweden believes that ECAs are well placed to contribute in this regard. Therefore, we would like to propose that the ECG collectively decide to request their ECAs to inform their clients about the provisions of the OECD Guidelines for MNEs and to state that their Governments expect the companies to adhere to the provisions of these Guidelines.

SWITZERLAND / SUISSE

A. Organisation institutionnelle

- *Où est situé le PCN ?*

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

Tél. (++41) (0)31 324 08 54
Fax (++41) (0)31 324 90 42
E-mail: INFB@seco.admin.ch
Internet : www.seco-admin.ch

- *Quelle est la composition du PCN ?*

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

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

Le PCN suisse est en contact régulier, formel et informel, avec les unités administratives compétentes pour les divers aspects couverts par les Principes directeurs. Ces unités sont également invitées à prendre part au « Groupe de liaison » institué dans le cadre de la mise en œuvre des Principes directeurs (cf. ci-après).

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

La coopération avec les partenaires sociaux et d'autres organisations intéressées est institutionnalisée par un « Groupe de liaison ». Ce groupe offre un cadre de travail souple favorisant des contacts directs entre les participants.

B. Information et promotion

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

Les Principes directeurs ont été publiés par le Gouvernement fédéral dans les trois langues officielles. De son côté, le Secrétariat d'Etat à l'économie les a publiés, également dans les trois langues officielles, sur son site internet. D'autres moyens de diffusion sont à l'étude.

- *Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée ?*

Outre le « Groupe de liaison », le PCN a continué d'entretenir de nombreux contacts avec les milieux d'affaires, les syndicats, les ONG et d'autres milieux intéressés. Les Principes directeurs ont fait l'objet, en 2002/2003, de présentations détaillées lors de diverses manifestations. Plusieurs fois, les Principes directeurs et le fonctionnement du PCN ont été présentés à des syndicats ou ONG de pays n'ayant pas adhéré à la Déclaration de l'OCDE sur l'investissement international et les entreprises multinationales.

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

Au cours de l'année passée, plusieurs manifestations d'importance ont été organisées en Suisse sur le thème de la responsabilité d'entreprise, qui furent autant d'occasions de présenter les Principes directeurs.

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

A plusieurs reprises, des demandes nous sont parvenues d'autres PCN. En ce qui concerne les requêtes adressées par les organisations syndicales et autres organisations non gouvernementales, la presse et le public, le PCN suisse a noté une augmentation sensible. Par contre, aucune demande ne lui a été présentée par un gouvernement d'un pays n'ayant pas adhéré aux Principes directeurs.

C. Mise en œuvre dans des circonstances spécifiques

- *Des procédures spéciales ont-elles été mises en place pour traiter de cas spécifiques ?*

Pour l'instant, il n'est pas prévu d'introduire de telles procédures.

- *Des cas spécifiques ont-ils été portés à l'attention du PCN ? Par qui (entreprises, employés, ONG, d'autres PCN, autres) ?*

Seules des étapes préalables de telles démarches sont à signaler.

- *Comment le PCN est-il intervenu dans la résolution de ces cas spécifiques ? Quelle a été l'issue ?*

Sans objet.

- *Certains cas spécifiques ont-ils été soulevés dans des pays n'adhérant pas aux Principes directeurs ? Quelle procédure a été suivie par le PCN ? Quelle a été l'issue ?*

Sans objet.

D. Divers

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

Le PCN s'est attaché à développer son offre de services, que ce soit dans le cadre de manifestations publiques ou privées, en coopérant avec les médias ou en répondant aux demandes d'intéressés. Le site internet du Secrétariat d'Etat à l'économie a également été mis à contribution. En outre, le Groupe de liaison reste un forum important en matière de promotion des Principes directeurs.

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

Pas de remarque.

TURKEY / TURQUIE

A. Institutional Arrangements:

- *Location of National Contact Point:*

Undersecretariat of Treasury
General Directorate of Foreign Investment 06510, Emek –ANKARA
Tel: 009031221289 14-15
Fax: 00903122128916
E-mail: zergul.ozbilgic_@hazine.gov.tr / ozlem.nudrali_@hazine.gov.tr

- *Composition of the NCP: No other government departments or agencies are included.*

The NCP of Turkey, General Directorate of Foreign Investment is a governmental agency which is a department of Undersecretariat of Treasury.

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

At the moment, the NCP has contacted the employer organizations in Turkey to organize a meeting in the earliest convenience.

B. Information and Promotion

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

1. The Guidelines have been translated into Turkish,
2. The English and Turkish texts of the Guidelines are available on the Internet site of the Undersecretariat of Treasury. (www.treasury.gov.tr)
3. An information letter has been sent to related government agencies and nongovernmental organisations (including business community, employee organisations and consumer societies) to promote the Guidelines and to collect their comments on it.
4. An informative brochure on the guidelines has been prepared and is intended to be printed and distributed to all relevant parties at the earliest convenience.

No enquiries have been received from other NCPs, NGOs, the public or governments of non-adhering countries.

C. Implementation in specific instances

No procedures have been put in place to deal with specific instances.

A specific instance has been brought to the attention of our NCP by the US NCP and a mechanism of cooperation will soon be established.

UNITED KINGDOM / ROYAUME-UNI

B. Information and Promotion

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

In the U.K. the Guidelines are available on a webpage of the DTI website (www.dti.gov.uk/ewt/ukncp.htm) and in hard copy from the NCP.

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

Regular meetings with trade unions and employers organisations. The U.K. NCP will make itself available to NGOs at their convenience to either listen to concerns or feedback on specific issues of concern. We plan to hold these meetings as is necessary but at least annually in future.

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

The U.K. NCP in the past month has held meetings with several NGOs, the employers organisation and other government departments on promotion of the guidelines and updates on specific issues. On 31 January the DTI held a seminar on Corporate Social Responsibility and anti-corruption for exporting business/civil society in Birmingham Chamber of Commerce. The conference was addressed by the Minister of State at the Home Office, Lord Falconer, and copies of the guidelines were given to all attendees (and press) in their welcome pack.

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

In the past year we have received one new complaint from a collection of NGOs. We still have one case from last year which is still in progress although we hope to report on this presently.

C. Implementation in specific instances

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

Yes. We have produced a flowchart which is out for consultation at the moment and will provide the basis for transparent procedures which deal with specific instances.

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

One case brought to our attention by a group of NGOs.

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

The case was received in late April 2003 and is currently in the first stages of scrutiny.

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

None

D. Other

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

See answers on Information and promotion above.

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

Not at this stage.

UNITED STATES / ETATS-UNIS

I. Institutional Arrangements

The United States of America National Contact Point (U.S. NCP) is located in the Economic, Business and Agricultural Bureau's Office of Investment Affairs at the United States of America Department of State. The U.S. NCP regularly consults with staff members of the Departments of Commerce, Treasury, and Labor, as well as the Environmental Protection Agency and the Office of the United States Trade Representative. Business, labor, civil society organizations, international financial institutions, and other international organizations are consulted regularly via the Advisory Council on International Economic Policy or individually on an ad-hoc basis. When necessary, an interagency committee chaired by the Director of the Office of Investment Affairs meets to discuss Guidelines issues.

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

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

II. Information and Promotion

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

The Advisory Committee on International Economic Policy is the formal advisory body through which issues relating to the OECD Guidelines and the NCP are addressed. However, informal contact is maintained on a regular basis among intra-governmental colleagues and with representatives of business and labor groups, and non-governmental organizations that are interested in the Guidelines.

In addition to the business, labor, and civil society stakeholders referenced above, there has been contact with other persons and organizations interested in corporate social responsibility, including research institutes, business ethics university departments, private firms, law firms, international financial institutions, students, and others, who have contacted the U.S. NCP for more information about the Guidelines. Most of these inquiries come by telephone and/or E-mail.

The Under and Assistant Secretaries of State for Economic, Business, and Agricultural Affairs address the OECD Guidelines at remarks before business, labor and financial representatives, members of government

agencies, foreign diplomats, academics, and other interested elements of civil society, and in speeches at conferences, seminars, and other meetings. Both Under Secretary Alan Larson and the Assistant Secretary E. Anthony Wayne routinely meet and consult with the United States Council on International Business, representatives of major interested companies and members of civil society where there are occasions to discuss issues related to the Guidelines. The Department of State's Bureau of Democracy, Human Rights and Labor (DRL) also promotes the OECD Guidelines when it addresses topics related to human rights, labor, and corporate responsibility instruments.

The U.S. NCP provides information about the OECD Guidelines to the Economic and Commercial Training Division of the National Foreign Affairs Training Center, where Foreign Service diplomatic, economic, and commercial officers receive advanced economic training for overseas assignments. In the coming year, the U.S. NCP will provide additional material to the Department of Commerce for new curriculum development in training that targets senior Foreign Commercial Service officers. There is interagency cooperation with the Export-Import Bank for the provision of information on the Guidelines to applicants for their programs in support of U.S. business activities abroad.

During the June 2002-June 2003 Annual Report period, the U.S. NCP received several general public inquiries about the OECD Guidelines. Inquiries were received from non-governmental organizations (NGOs), legal associations, academic institutions and individuals. The DRL Bureau referenced the OECD Guidelines in its' 2003 Human Rights Report and also reported opportunities to refer to the Guidelines in its contact with a number of U.S. firms and associations in relation to their work on codes of conduct.

- In September, the U.S. NCP provided detailed information on the OECD investment instruments, including the Guidelines to the U.S. Chamber of Commerce in the preparation of a Chamber white paper study.
- The U.S. NCP provided information on the Guidelines to lecturers at an October "Executive Workshop on Social Performance Management and Corporate Social Responsibility" in New York.
- In November, the Under Secretary of State Larson and Under Secretary of Commerce Aldonas jointly hosted a "Business Outreach Roundtable on Development, Investment and Good Governance" wherein they reiterated the importance of private sector led economic growth and responsible business conduct.
- In March, the U.S. NCP and the Democracy, Human Rights and Labor Bureau were represented as observers at a non-governmental organization's "Study Group on U.S. Policies to Promote Global Corporate Responsibility" established to examine policies and discuss their efficacy and effects on business from which policy recommendations were to be developed.
- In May, the U.S. NCP participated in a civil society-organized conference on "Investment, Sustainable Development and the World Trade Organization: Allies or Antagonists," and addressed the OECD Guidelines in discussions following panel presentations.
- Preparations for the June G-8 Summit provided a forum in which to consider the contribution of the OECD Guidelines to sustainable economic growth and development.

Greater public attention to globalization and corporate responsibility has broadened the scope of, and placed more emphasis on, new directions for promotion and implementation of the OECD Guidelines. The U.S. NCP addresses the OECD Guidelines in its daily work on issues of corporate social responsibility and good governance. This is an on-going process in economic and commercial advocacy efforts, in bilateral

relations, and in our discourse with interested stakeholders, civil society, international financial institutions, and multilateral fora including the United Nations Security Council, the United Nations Conference on Trade and Development, and G-8 Summit preparations.

III. Implementation in specific instances

In terms of routine procedures, the U.S. NCP responds to questions about specific instances of activity in relation to the Guidelines. If an initial assessment justifies further involvement of the U.S. NCP, the NCP follows up with the interested parties offering them the opportunity to express their own views and comment on the other's viewpoints to assist in resolving differences. The NCP informs each side of its contacts with the other, and supplies to each party documents received from the other party.

During the June 2002-2003 period, labor and non-governmental organizations raised a number of specific instances of behavior that they considered inconsistent with the Guidelines. The majority of questions raised with the U.S. NCP have involved behavior in relation to the Guidelines' Chapter IV, Employment and Industrial Relations, such as:

- the right of employees to be represented by trade unions;
- constructive negotiations between the enterprise and such representatives;
- collective bargaining or labor-management relations;
- health, safety, and other standards in the work place; and/or
- questions about living wages.

One of the inquiries under Chapter IV also raised questions of the applicability of the Guidelines in a trade and supply chain context.

Three of the inquiries have raised questions with respect to the general policies and principles of the OECD Guidelines. They highlighted concerns regarding general business practices, public disclosure and bribery, contributions to regional instability, as well as human rights and sustainable development issues.

In six of our current specific instances, the U.S. NCP is cooperating and/or collaborating with one or more other NCPs considering the same or related instances.

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, last year's Annex Table 1 ("Structure of the National Contact Points") and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

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

The Directorate General for Trade, Unit F2, follows the work of the OECD Committee on International Investment and Multinational Enterprises (CIME). The delegate to CIME is Ms Corinne Dreyfus Politronacci, and the deputy is Mr Hugh Pullen.

Ms Corinne Dreyfus Politronacci / Mr Hugh Pullen
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B-1049 Brussels

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fax: +322.299.16.51

e-mail: Corinne.Dreyfus@cec.eu.int or Hugh.Pullen@cec.eu.int

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

Not applicable.

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

The Commission Delegate to the CIME ensures the coordination and information of all other relevant Commission DGs (mainly DG Employment and Social affairs, DG Relex, DG Environment). Reports of CIME meetings are circulated to all DGs.

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

DG Trade has a regular dialogue with civil society (business and business federations, trade unions and NGOs) on investment and Corporate Social Responsibility issues, including the OECD Guidelines for Multinational Enterprises. The European Multi-stakeholder Forum on CSR also gives input to DG Trade and the Commission on these issues (see below).

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

See previous point.

B. Information and Promotion

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

A link to the OECD website has been created on the Directorate General for Trade website : http://europa.eu.int/comm/trade/csr/index_en.htm

Where available, Member States' and Acceding Countries' NCPs' websites or e-mail addresses are also listed on the webpage.

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

The Directorate General for Trade has an ongoing dialogue with civil society on the policy areas it deals with. Non-governmental organisations, trade unions, enterprises and business federations attend these meetings. Member States' representatives can also attend these meetings. A specific Issues Group on investment resumed its work in 2000-2001, and addressed the Guidelines on several occasions. In 2003, the group has met once and discussed CSR-related issues.

See http://trade-info.cec.eu.int/civil_soc/intro1.php for further information.

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

a) Commission Communication on CSR

The "Commission Green Paper on Promoting a European framework for Corporate Social Responsibility" issued by the Commission in July 2001 (COM(2001) 366) makes clear references to the Guidelines.

Following the Green Paper, and after wide public consultation on its content and proposals, the Commission issued a Communication "**Corporate social responsibility: a business contribution to sustainable development**" (2 July 2002, COM(2002)347), with clear reference to the Guidelines and the international dimension of Corporate Social Responsibility, as well as its contribution to Sustainable Development.

The Communication has established a **European Multi-Stakeholder Forum** on CSR and specific thematic roundtables will meet till spring 2004¹. The trade and international dimension of CSR is an important part of the agenda. The first meeting of the Roundtable on development aspects of CSR

¹ See reports and all information available on the Forum at following addresses:

http://forum.europa.eu.int/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/csr%20ems%20forum.htm

<http://europa.eu.int/comm/enterprise/csr/roundtables.htm>

was held on 17 March 2003. DG Trade will organise the second meeting of this Roundtable on 29-30 September 2003. A third Roundtable will be held in early 2004 on this topic. In parallel, three other Roundtables are meeting to similar timescales:

- Improving knowledge about CSR and facilitating the exchange of experience and good practice;
- Fostering CSR among SMEs;
- Diversity, convergence and transparency of CSR practices and tools.

The OECD Guidelines for Multinational Enterprises are regularly referred to and discussed in the meetings of the various Roundtables and of the Coordination Committee of the Forum. DG Trade is active in the various formats of this process, and seeks to promote the Guidelines, and raise stakeholder awareness of how the processes of specific instances and National Contact Points function.

b) Relations with Third Countries

External Trade and Cooperation relations of the EU with Third countries also encompass a CSR dimension. For example, the **Association Agreement between the EU and Chile**, concluded during the second EU-Latin America & Caribbean Summit held in Madrid on 16 - 18 May 2002, and signed in Brussels on 18 November 2002, refers to the Guidelines². In the near future, we plan to **insert CSR issues and the promotion of OECD Guidelines in our external trade relations** (such as the Future EU-ACP Economic Partnership Agreements in the framework of the Cotonou cooperation, etc.). We also think that public schemes that grant public funding to private sector firms can ask recipients to meet higher environmental and social standards, such as those embedded in the Guidelines. This is already the case in some Member States (Finland, France, Netherlands).

c) Consistency in Commission policies

The Commission adopts a coherent and broad approach to CSR issues and has inserted references to the OECD Guidelines in several Communications on related topics :

- Communication from the Commission on “Conflict prevention”, COM (2001) 211 final, 11 April 2001 ; http://europa.eu.int/comm/external_relations/cpcm/cp.htm
- Communication from the Commission to the Council and the European Parliament : "The European Union role in promoting human rights and democratisation in third countries", COM (2001) 252 final, 8 May 2001; http://europa.eu.int/comm/external_relations/human_rights/intro/index.htm
- Communication from the Commission : “A sustainable Europe for a better world : a European Union strategy for sustainable development”, COM (2001) 264 final, 15 May 2001; http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0264en01.pdf
- Communication from the Commission to the Council and the European Parliament : “Promoting core labour standards and improving social governance in the context of globalisation”, COM (2001) 416 final, 18 July 2001 ; <http://europa.eu.int/comm/trade/>

² A “**Joint Declaration**” indicates that: “The Community and its Member States and Chile jointly remind their multinational enterprises of their recommendation to observe the OECD Guidelines for Multinational Enterprises, wherever they operate.”

d) Publicising the Guidelines

The Commission has continued to organise conferences and workshops with the aim of promoting CSR and the Guidelines. Following the major Conference that DG Trade organised on “Best business practices for Corporate Social Responsibility : Management tools for implementing the OECD Guidelines for Multinational Enterprises”, 10-11 May 2001³, DG Trade held another event (24-25 June 2002), aimed at deepening the reflection on these issues. This “Trade, global governance and sustainable development” seminar⁴ was a follow-up activity to the European Commission White Paper on Governance (COM (2001) 428 Final of 25 July 2001). One of its three workshops addressed CSR and Development through the OECD Guidelines. DG Trade will also organise the next meeting of the Roundtable on the development aspects of CSR on 29-30 September 2003 in the context of the European Multi-Stakeholder Forum on CSR. The Guidelines are also the subject of discussion in other Roundtables⁵.

Trade Commissioner Mr Pascal Lamy, and Commission officials, have participated as a speakers in a number of seminars on international investment and Corporate Social Responsibility issues, including in the European Parliament, and have consistently promoted the Guidelines.

e) Promoting the Guidelines in Developing Countries

DG Trade continues to promote Corporate Social Responsibility and the Guidelines in Developing Countries⁶. To this end, DG Trade is supporting the organisation of four outreach seminars in 2003 on the OECD Guidelines in Developing/emerging Countries (Mexico, Morocco, Africa and Asia) organised by Trade Unions Advisory Committee to the OECD. The first seminar was held on 31 March-1 April in Mexico City, and the second in Casablanca on 5-6 May. The last two seminars will be held in the autumn. These seminars aim to promote knowledge of the Guidelines by bringing together all interested stakeholders from the country and neighbouring countries: public authorities (local and national), business and business federations, chambers of commerce, trade unions and NGOs.

DG Trade also participated in a conference co-organised by Belgium and the European Commission on the UN Report on illegal exploitation of natural resources in the Democratic Republic of Congo (Brussels, 30 October 2002).

- *Annex 3 to this questionnaire presents Table 1 of the 2002 NCP Chair's Summary (“Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward*

³ You can find all the relevant documentation and papers on this conference on our website at : http://europa.eu.int/comm/trade/csr/index_en.htm

⁴ <http://europa.eu.int/comm/trade/csc/intro.htm>. Contributions for WSSD of Johannesburg also available from this address.

⁵ See reports and all information available on the Forum at following addresses:

http://forum.europa.eu.int/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/csr%20ems%20forum.htm

<http://europa.eu.int/comm/enterprise/csr/roundtables.htm>

⁶ In previous years, DG Trade had participated as a speaker in three international training seminars on issues related to international investment organised by UNCTAD (the last one co-organised with the WTO in the framework of the Doha Development Agenda and its related capacity-building programme), in Egypt in May 2001, India in November 2001, and Egypt again in end May 2002. These seminars gathered Government officials from between 15 to 20 different African and Asian developing countries. DG Trade made comprehensive presentations on the OECD Guidelines, which gave rise to lot of interest and interesting questions and exchanges among participants.

investment promotion programmes”). NCPs are asked to update this Table. If no update is necessary, please indicate this.

Not applicable for the Commission: these actions are undertaken in the European Union by Member States.

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

The business community (individual enterprises and business federations), trade unions, NGOs, European affairs consultancies, research centres, academics and students have discussed Corporate Social Responsibility issues and the Guidelines with the Commission.

The Commission has answered questions from Members of the European Parliament (MEPs) related to the implementation and follow-up of the Guidelines (for the most recent : QE E-3213/02, E-0196/03, E-0466/03). A parliamentary report is also being prepared by Mr Bushill-Matthews MEP on the Communication from the Commission concerning Corporate Social Responsibility: A business contribution to Sustainable Development.

DG Trade has also answered a number of questions from the public and civil society on the Guidelines (eg business, students, researchers and NGOs).

C. Implementation in specific instances

The European Commission is not formally a NCP and does not handle individual cases. However, the European Commission is committed to the success of the Guidelines process and has contributed to the questionnaire on NCPs procedures, and offered its policy views on how an NCP should function.

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

The European Commission considers that a NCP should undertake to act in accordance with the following procedures:

Handling of cases

Guidance should be provided on the format and information necessary to submit a case. A standard form could be proposed to submit a case. Both domestic and foreign parties would be in a position to raise a case:

- domestic case: according to §13 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: “Generally, issues will be dealt with by the NCPs in whose country the issue has arisen.” Thus the nationality of the party raising the case is not necessarily of importance when the case is domestic. If the MNE in question is based in another adhering country, cooperation with that NCP ought to be sought.
- case abroad: if a case is raised in a non-adhering country, NCPs would investigate their own domestic firms operating in that third country covered by the case. However, one could imagine that a NCP could consider other cases if domestic interests or citizens were

involved. In the interests of consistency and the credibility of the Guidelines, NCPs should seek to exchange information with each other and, where relevant, with the European Commission, on cases involving MNEs from more than one adhering country.

Interested parties

Any interested party should be able to submit a request to the NCP. In particular, requests that are substantiated and that come from an appropriate interested party (this can be open to a consumer, under Chapter VII of the Guidelines for example) should be investigated by the NCP. Access to NCPs is key to their success and visibility. There is a lack of clarity over whether “interest to act” might be restricted by the mission statement and objectives of the organisation that raises the case: it could be argued that trade unions could only raise cases on Chapter IV, environment NGOs on Chapter V, consumer organisations on Chapter VII, etc. The “direct” interest to act has also to be weighed in view of the case and the information provided. A case by case analysis would be advisable.

Keeping parties informed

The NCP should acknowledge receipt of a request. It should also consider specific instances on its own initiative. Where domestic laws and regulations apply, it is possible for the NCP to contact the relevant administrative departments to have more information, and it is also possible for the NCP to pursue the mediation process foreseen by the Guidelines, in parallel with implementation of domestic regulatory framework (except if law and regulation foresee that it is not possible).

The handling of a request should be explained to parties within a reasonable timeframe. Ideally, the NCP should answer within 60 days (45 working days), explaining whether the request is being further examined and what next steps are being considered, whether the request has been rejected together with an explanation, or whether the request should be further substantiated.

Parties to a specific instance should be regularly updated on the instance. Participants/consultative parties to the NCP (business, trade unions and NGOs) should be updated regularly on the handling of cases, so that there is no impression of inertia. The rules on confidentiality while a case is being processed should be respected.

Ideally the NCP should have a website updated with the procedural state of play of a case (while respecting rules of confidentiality), e.g.: status of the instance (number of meetings with parties, etc.), countries involved, and, if possible, originator of request, enterprise(s) and other stakeholders involved.

When the case is closed, a public statement is issued. This can be made by the NCP on its own and/or by all stakeholders. In any case, this disclosure policy should follow as closely as possible the Decision (§ C-4 of the Procedural Guidance) and the Commentary (§18-19) on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises.

At OECD level, the Electronic Discussion Group for National Contact Points on OLIS or a specific database should also allow for discussions and updates on the state of play of cases. This could also be a regular agenda item of the CIME or WPD between the Annual meetings of National Contact Points.

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

Specific instances have been brought to the attention of the Commission by various stakeholders or Member States'/Acceding Countries' NCPs.

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

Some informal contacts have been aimed at facilitating cases.

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

Not applicable.

D. Other

- *How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.*
- *Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*

All additional information has been included above.