



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

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

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

This document has been updated to include NCP reports submitted during the Annual Meeting of the NCPs on 14-15 June 2004.

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ARGENTINA / ARGENTINE

A. Institutional Arrangements

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

Minister Felipe Frydman
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Buenos Aires
Argentina
Ph.: 005411-4819-7020/7568
Fax: 005411-4819-7566
Email: fef@mrecic.gov.ar / igf@mrecic.gov.ar

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

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

B. Information and Promotion

Regarding information and promotion of the guidelines in Argentina during the period, a weblink containing the Spanish version of the guidelines was created in the website of the Ministry of Foreign Affairs, International Trade and Worship. Moreover, the NCP participated in seminars organized by NGOs in order to raise awareness of the guidelines. He also attended corporate social responsibility conferences hosted by NGOs.

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

C. Implementation en Specific Instances

The NCP follows the procedure described in the Guidelines to deal with specific instances. At this stage it is not considered appropriate to formalize further detailed procedures. No specific instances have been brought to the attention of the NCP.

D. Other

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

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

Other information on the nature and results of NCP activities:

- There have 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 2003-2004 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 refining procedures for handling specific instances, promoting the Guidelines to business groups and strengthening the consultation process with government agencies, non-government organisations (NGOs), business, and other social partners.

A. Institutional Arrangements

The Australian NCP for the OECD Guidelines is the Executive Member of the Foreign Investment Review Board (FIRB). The Executive Member of the FIRB also represents the 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: ancp@treasury.gov.au
Website: www.ausncp.gov.au

Annexes 1 and 2 to the CIME 2004 Common Framework for Annual Reporting by National Contact Points do not require updating.

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 Department of the Treasury. In addition to its function as a secretariat, the Division advises the Government on international investment issues.

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

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

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, other NGOs and experts in the fields of the issues raised.

B. Information and Promotion

The NCP's activities during 2003-2004 the period include:

- Bi-annual consultation sessions with social partners in November 2003 and May 2004 in Melbourne, Sydney and Canberra. Issues discussed at the sessions included:
 - the NCP's report on CIME meetings and recent developments, including updates on CIME's work on issues such as the synergies between FDI and ODA and investor protection provisions including fair and equitable treatment and indirect expropriation and the right to regulate,
 - issues arising from the 2003 Annual Meeting of NCPs, including the OECD work program on the Guidelines,
 - activities of the Australian NCP,
 - how the Australian NCP could improve the consultation process. There was broad interest in the proposal that one of the two bi-annual sessions could be held as a larger forum in one city rather than holding three separate sessions,
 - the 2003 Roundtable on the private sector's contribution to the fight against corruption and the role of the Guidelines,
 - the Global Reporting Initiative (GRI) and the synergies between the OECD Guidelines and the GRI 2002 Sustainability Reporting Guidelines. Australia is holding the next review of the GRI in February 2005,
 - the status of the initiative to develop the UN Human Rights Norms for Transnational Corporations,
 - corporate governance of multinational enterprises, including the revised OECD Principles of Corporate Governance, the Brotherhood of St Laurence submission to the OECD Steering Group on the Principles of Corporate Governance and the Australian Stock Exchange (ASX) Principles of Good Corporate Governance and Best Practice Recommendations,
 - the Australian Export Finance and Insurance Corporation (EFIC) and the role of the Guidelines,
 - the scope of the Guidelines and in particular, their application to financial supply chains,
 - the UN Panel Report on the illegal exploitation of natural resources in the Democratic Republic of Congo (DRC) and the CIME proposal for future work on conducting business with integrity in weak governance zones such as the DRC,
 - the Working Party proposal for improving the information about specific instances. The Castan Centre for Human Rights Law, Monash University, has formally expressed support for the development of a registry of specific instances,

- possible issues for discussion at the 2004 Roundtable on encouraging the positive contribution of business to environment through the OECD Guidelines,
- the establishment of OECDWATCH and reports from the Brotherhood of St Laurence on the work of the group;
- Review and upgrade of the 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. The related documents section also includes documents by NGO's, academics and other interested parties. The current upgrade of the website aims to improve the secure section of the website, thereby enhancing the ability of the NCP to consult with social partners electronically, increase user's access to Guidelines related documents and related websites, and make the website more user friendly.
 - 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 850 hits per month and the text of the Guidelines is the most frequently downloaded document. Over 14 per cent of visitors visit the site more than once a month;
- Outreach to the business community promoting the Guidelines and efforts to establish a network of business contacts to consult with on Guidelines and related issues. While the response to the Australian NCP's mail out to Australia's top 100 companies was modest last year, the Australian NCP did make some important contacts within the business community as a consequence. These contacts have helped the Australian NCP facilitate the following:
 - A presentation on the Guidelines to a large audience of business representatives at a public affairs roundtable held in Melbourne,
 - A working lunch, hosted by two of Australia's large MNE's, and a presentation on the Guidelines to a group of 20 business representatives. The Brotherhood of St Laurence was also invited to provide an NGO perspective;
- Continued dialogue with the New Zealand NCP on the two countries respective approaches to the Guidelines;
- The consolidation of regular interdepartmental meetings, on the Guidelines and related issues, chaired by the NCP involving representatives from 12 government agencies;
- Contact with the Managing Director and Chief Operating Officer of EFIC to discuss the management systems that EFIC have in place to meet its social and environmental responsibilities;
- An approach to the ASX Corporate Governance Council offering to give a presentation later this year on the OECD Guidelines. This approach has been well received by the ASX Corporate Governance Council, which comprises representatives of 21 groups from various business backgrounds and has recently developed and implemented a voluntary framework for corporate governance - 'Principles of Good Corporate Governance and Best Practice Recommendations';

- Continued contact with NGO's outside the formal bi-annual consultation process to seek comments, advice and briefing prior to CIME meetings;
- Continued efforts to promote 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;
- Continued efforts to attend corporate social responsibility conferences hosted by other organizations (e.g. the 2004 Annual Meeting of the Australian Christian Centre for Socially Responsible Investment and the bi-annual Department of Foreign Affairs and Trade and NGO Human Rights Consultations); and
- Continued efforts to incorporate the Guidelines into various domestic corporate governance and social responsibility reporting frameworks, including commenting on the Australian Securities and Investment Commission's Socially Responsible Investing Disclosure Guidelines and the Australian Competition and Consumer Commission's Guidelines for developing and endorsing effective voluntary industry codes.

Annex 3 to the CIME 2004 Common Framework for Annual Reporting by National Contact Points does not require updating.

C. Implementation in Specific Instances

Detailed procedures, consistent with the OECD's procedural guidance for dealing with specific instances, were put in place by the Australian NCP in December 2002 after extensive consultation with interested social partners. The procedures are available at 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.

No specific instances have been raised with the Australian NCP over the period 2003-2004.

How to Raise a Specific Instance with the Australian NCP

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.

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

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

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.

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.

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

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.

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.

Specific Instances considered by NCPs to date

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

D. Other

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

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 Federal Economic Chamber, the Austrian Federal Chamber of Labour, the Austrian Federation of Trade Unions, the Federation of Austrian Industry;
- some NGOs interested in the OECD Guidelines.

The Advisory Committee has its own rules of procedure and in the period under review has held 3 meetings (on 22 October 2003, 26 January 2004 and 19 May 2004). 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, supported by the Austrian Federal Economic Chamber and the Federation of Austrian Industry, 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

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

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

BELGIUM / BELGIQUE

A. Modalités institutionnelles

Le Point de Contact National belge est établi auprès du :

Service Public fédéral Economie, PME, Classes moyennes & Energie
Direction générale du Potentiel économique
Rue Général Leman 60
1040 Bruxelles
Belgique
Tél. 00 32 2 206 58 73
Fax 00 32 2 230 00 50
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Le Point de Contact National belge est composé de manière tripartite selon la répartition suivante:

Président du Point de Contact National: 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 repris ci-dessous:

- Service Public fédéral Economie, PME, Classes moyennes & Energie
- Service Public fédéral Emploi
- Service Public fédéral Justice
- Service Public fédéral Finances
- Service Public fédéral Environnement
- Service Public fédéral Affaires étrangères

Un représentant de chaque gouvernement régional :

- Bruxelles
- Flandre
- Wallonie

Un représentant des fédérations professionnelles suivantes:

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

Un représentant des syndicats suivants:

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

B. Information et promotion

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

La large composition du PCN présente l'avantage pour tous les membres de se sentir concernés par les Principes directeurs. Par des contacts variés avec les entreprises et d'autres organismes, via les formations etc., ils en font état directement ou indirectement et en assurent la diversification tant en Belgique qu'avec les autres pays, membres ou non de l'OCDE.

Les différents organes ont continué à publier des articles sur le sujet dans leurs périodiques et magazines.

Les activités du PCN en 2003 ont principalement été dictées par l'évolution des « Affaires du Congo ». Après les différents contacts oraux et écrits entretenus par le CIME et les PCN concernés avec le panel NU, il a fallu attendre les informations promises par le panel. Ensuite, tous les renseignements disponibles ne provenant pas du panel ont été suivis et étudiés attentivement.

Le rapport UN de fin 2002 et le rapport final de fin 2003 ont donné lieu, pendant toute l'année 2003, à des discussions sur les Principes directeurs de l'OCDE à l'attention des entreprises multinationales, ce qui a contribué à augmenter leur connaissance en Belgique.

Lors des divers séminaires organisés sur le thème de l'entrepreneuriat éthique, découlant ou non des rapports du groupe d'experts des NU sur l'exploitation illégale des ressources naturelles et autres formes de richesse de la République démocratique du Congo, les Principes directeurs ont été cités et précisés.

C. Mise en oeuvre dans des circonstances spécifiques

Aucun cas spécifique n'a été soulevé par les membres du Point de Contact.

L'année a donc été entièrement consacrée aux rapports du panel d'experts des NU sur le Congo.

Après la rencontre organisée en avril 2003 entre le panel et les PCN concernés – parmi lesquels la Belgique – et un bref entretien ultérieur au cours duquel il a notamment été question des modalités pratiques de la transmission des documents, il semblait évident à la Belgique, ainsi qu'aux autres PCN, que nous allions rapidement recevoir des informations, afin de pouvoir commencer les activités.

Les entrevues entre les entreprises et les membres du panel à Nairobi et à Paris ont aussi été suivies par les ambassades belges sur place qui ont également tenté de recueillir un maximum de données qui nous ont été transmises ultérieurement.

Enfin, le panel NU a envoyé 7 dossiers pour traitement et/ou contrôle.

Les 7 entreprises concernées ont toutes été entendues par le Président et le Secrétaire du PCN. Ces rencontres ont eu lieu pour réaliser une première « évaluation » des cas. Les accusations du panel NU n'étant pas toujours très claires, cette tâche n'a pas été facile.

L'analyse des dossiers transmis par le Panel des NU ainsi que les autres documents y afférents fera l'objet d'un examen par le PCN selon ses règles de procédure.

D. Divers

Les critères clés, à savoir la visibilité, l'accessibilité, la transparence et la justification sont toujours pris en considération.

Le PCN essaye autant que possible d'être présent lors d'événements ou séminaires traitant de la problématique de la responsabilité sociale des entreprises.

Le PCN fait ainsi preuve de davantage de visibilité, d'accessibilité et de transparence. C'est surtout au sein du PCN que des justifications sont apportées, vis-à-vis des partenaires sociaux et des pouvoirs publics.

La coordination et la coopération entre les divers Points de Contacts reste un élément fondamental de l'efficacité des Principes directeurs actualisés en l'an 2000.

BRAZIL / BRESIL**A. Institutional Arrangements**

The OECD Guidelines for Multinational Enterprises were formally implemented in Brazil by a Decree n° 92, of May 12th, 2003 of the Minister of Finance. The General Co-ordination is under the responsibility of the Ministry of Finance at the International Affairs Secretariat (one single Department) and involves other Ministries such as: Ministry of Foreign Relations, Ministry of Planning, Budget and Management, Ministry of Labour and Employment, Ministry of Justice, Ministry of Environment, Ministry of Science and Technology, Ministry of Development, Industry and Trade and the Brazilian Central Bank.

Name of Responsible Officer: Angela Semíramis de Andrade Freitas

Secretaria de Assuntos Internacionais
Ministério da Fazenda
Esplanada dos Ministérios, Bloco P – Sala 225
70048 – 900 Brasília – Distrito Federal - Brasil
Tel: (+5561) 412 22 27 or 412 22 33
Fax: (+5561) 412 17 22
E-mail: angela.freitas@fazenda.gov.br

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

Name of Responsible Officer: Secretary Fernando Igreja
Ambassade du Brésil en France
Bureau de Liaison avec l'OCDE
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75800 Paris - France
Tel: (+331) 4561 6328
Fax: (+331) 4289 0345 / 5375- 05 46
E-mail: figreja@bresil.org

Presently, NCP in Brazil is working in the implementation of an Advisory Committee with the purpose to cooperate with the NCP in the establishment of strategies, proposal of measures and activities to effectively promote the implementation of the Guidelines in Brazil. This Committee will be formed by the NCP and one representative of each of the following entities of the civil society with national relevance: Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection and any other entity considered by the NCP that play an important social role in the areas covered by the Guidelines, such as SOBEET (Brazilian Society for Multinational Enterprises Studies). The Committee will meet twice a year or whenever necessary.

The NCP is also finalizing the approval of a Resolution that regulates the presentation of complaints to the PCN.

After its creation, the NCP notified by letter the most important Workers Unions, Trade and Industry organizations, Chambers of Commerce and Industry, NGO's in the areas covered by the Guidelines. The letter explained the purpose of the Guidelines and attached the text of the Guidelines giving the contacts of the responsible officer in Brazil. Also notified all of them that additional information is disclosed at the Internet.

In 2003, the officer responsible for the NCP in Brazil attended meetings in Brasília and São Paulo to make presentations about the Guidelines.

In March of 2004, the newly appointed officer participated in São Paulo of a Seminar organized by a NGO – Observatório Social giving a presentation about the Guidelines. The International Seminar reunited 6 multinational companies (Bayer, Thyssen Krupp, Bosch, Phillips, Unilever, Ahold), Syndicates from Netherlands (FNV Mondiaal) and Germany (DGB - IG Metal, IG BCE), and Brazilian Syndicates (CUT, Força Sindical and others), and NGO's (Instituto Ethos, Diesat, Inama), Associação Brasileira de Químicos – Abquim, and Labour International Organization.

B. Information and Promotion

The OECD Guidelines and the Implementation Procedures are available in Brazil and the translations of the text into Portuguese are available in the internet site of the Ministry of Finance (www.fazenda.gov.br/multinacionaispcn). The translations are preceded by an introductory text that explains the general purpose of the Guidelines. It is also available the addresses of the National NCP, the composition of the NCP, the contacts and addresses worldwide, the regulations, documents, complaints and events. And indicates that comments and other requests can be posted through the Ministry channel of public dialogue, under the heading "Fale Conosco" (Talk to us). The site also contains a link to the OECD homepage and to other important multilateral and bilateral agencies, Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection, etc.

Until now, at the Ministry of Finance, we are in the process of disclosing some documents such as reports of some of the meetings and decisions in cases already solved.

Presently, the NCP is working in the organization of disclosure of informative publications to be sent to investment promotion agencies, departments of education, business schools. Also we are working together with some NGO's and other entities to participate in seminars and conferences to promote and inform about the Guidelines.

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

C. Implementation in specific instances

Since the implementation of the Guidelines in Brazil the NCP received 4 (four) specific instances. One of them involving PARMALAT – CUT in the South of the country is already solved, and 3 are being examined by the NCP in Brazil.

1. Company: Parmalat Brasil S/A Indústria de Alimentos – PARMALAT

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

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

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

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

Sector of activity: Manufacturing of dairy products (milk, yogurt, etc..).

The NCP members who decided to accept the complaint analyzed the request received on September 26th, 2002. On June 11th, PARMALAT's management forwarded a letter to the workers from the yogurt plant at Porto Alegre giving them knowledge about the transfer of that line of production for mid November that year. Until that moment the enterprise had not mentioned anything about that decision. The letter envisaged to employ part of the workers at other plants; promised to give three more months of health insurance after their dismissal; additional cash would be paid together with the departure bill and proportional to housing time of each worker; spread the news about disposed workers at Porto Alegre's region; training for interviews and notions of domestic economy.

The letter also mentioned the reason for closing down that unit: the main consumer's market location was in the Southeast whilst the plant was located in the deep south of the country. There were 410 workers at the plant when the enterprise began to fire 50 people a month from August 2002 on.

On November 7th 2002, PARMALAT sent a letter to the NCP affirming that they have received copy of the letter that the Workers Union – CUT had sent to NCP and tried to justify the decision of closing the plant. The letter was discussed at a NCP meeting at December 2002 and the members decide to accept the complaint.

On March 21st 2003, the company, CUT and PCN reunited and the CUT representative reassured the complaint and read the Article of OECD guidelines that had been violated. Also informed that they had informed the Italian NCP of the complaint. The Director of the PARMALAT presented a company's plan to alleviate the effects of the company's decision.

Conclusion: The Article 6th, Chapter IV, of the Guidelines is not only related to the necessity to minimize the impacts of entrepreneurial decisions among workers. It goes beyond trying to make those alternatives work. When it disposes about the necessity to inform workers and the

government before taking any final decision that could substantially affect the life of workers, the Guidelines show a way towards participative alternatives. It must be mentioned that PARMALAT has offered a reasonable compensation to the workers above the level demanded by the Brazilian legislation. On the other side, the company didn't explore alternative solutions as the Guidelines prescribe. We all know that the final decision of closing or transferring a plant belongs to the company, but the workers and the government participation in evaluating the matter for an alternative solution would bring about possible options or at least to help keep the plant where it was. If that was not the case, at least alternative solution was tried and studied.

On June 20th, 2003, the NCP Brazil advised PARMALAT S. A. to observe the proceedings in similar cases in future situations encouraging the participation of other concerned parties, before taking decisions about questions substantially related to the life of the community they belong.

This decision has been the first one considered by NCP Brazil. The results were communicated to the Italian NCP but, so far, not to the public. Presently, the newly Brazilian NCP Director is considering publishing at the Internet site a summary of the case and of the decision.

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

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

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

Norm: Article 1st, a) Chapter IV, from the Guidelines states that the Multinational Enterprises should: “Respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employer’s associations, with such representatives with a view to reaching agreements on employment conditions;”

Date that specific instance was received: September 26th, 2003

Sector of activity: Manufacturing – Cars

The specific instance has been accepted by NCP Brazil and notice has been given to US NCP. After the analysis of the documentation received NCP Brazil sent a letter to the company requesting information on the subject.

On February 16, 2004, the instance was discussed at a NCP meeting with the presence of GM and the Syndicate representatives and both presented their point of view. The company explained that they recognized as legitimate representative of the Gravataí workers the SINGRA (Sindicato de Gravataí) created in 1998, until the year of 2002 when the SINGRA had its registration license suspended by the Justice. The Sindicato dos Metalúrgicos de Porto Alegre that submitted the complaint is presently forbidden by the Justice to operate in Gravataí. Besides the two there is also an Associação dos Trabalhadores das Indústrias Metalúrgicas de Gravataí, created in 1986. Presently, there are 3 Syndicates in the city of Gravataí and none of them are regularly legitimate to represent the workers. The Justice is presently deciding the dispute between the entities.

GM clarified that there has been an agreement with the 3 entities to establish a schedule between them with specific days to contact the workers in the Gravataí Plant. Gravataí has a total of 12.000 metal workers and GM has 3.331 workers in the plant.

The Sindicato dos Metalúrgicos de Porto Alegre invokes that GM favored the Sindicato de Gravataí (SINGRA) affecting negatively the workers when negotiating the union's agreement in 1999/2000.

Clearly, NCP recognizes there has been a dispute between the entities to be the legitimate representative of the metal workers in Gravataí.

Present Situation: NCP Brazil decided to suspend the analysis of the instance until there is a decision from the Justice establishing which of the entities is recognized as the legitimate representative of Gravataí metal workers.

3. Company: Unilever

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

Complaint: Article 2nd, b) and Article 6th, Chapter IV, and from the OECD Guidelines for Multinational Enterprises were not observed when the enterprise decided to close down the premises at Vinhedo Unilever's plant. No communication from the factory was given before decision was taken neither to the workers union nor to any government sphere.

Norm: Article 2nd, b), Chapter IV, from the Guidelines states that the Multinational Enterprises should "Provide information to employee representatives which is needed for meaningful negotiations on conditions of employment".

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

Date that specific instance was received: October 27th, 2003.

Sector of activity: Manufacturing – Tooth paste.

The request was analyzed by the NCP who decided to accept the complaint. NCP prepared a letter to the company requesting information on the subject. In the answer dated February 12th, 2004, Unilever explained that in October 10, 2003 announced to the workers, workers union, the Prefeitura de Vinhedo, local press, suppliers and others, the company's decision to transfer the Vinhedo plant to a new plant located in Ipojuca, state of Pernambuco, northeast of Brazil. The impact of this decision would affect 150 workers (100 due to the transfer of the unit and 50 due

to the new automated process). The company presented the workers the possibility of transfer to the new plant located in Ipojuca.

At the same time, Unilever presented a plan to minimize the effects of the transfer of the plant: to give support in the reallocation of the workers at other units of the company or other plants in the region; promised to extend for a longer period the life and health insurance after their dismissal; additional cash would be paid together with the departure bill and proportional to housing time of each worker; pay for training courses to increase the chances of the employee to get a new job.

Until February 12, 2004, according with company's information, 42 workers had been reallocated and 63 are participating of selection process in companies located in the region. Unilever also explained that the decision of transferring the plant to the Northeast region was the solution found in the search of new export markets (Central America).

From October to December negotiations between the company and the Syndicate were suspended and restarted at the beginning of January 2004. On January 15th, 2004, Unilever received the NCP correspondence informing the instance and requesting information and decided to suspend the negotiations. In February 5th, 2004, the Vinhedo workers went on strike. NCP Brazil informed the Dutch NCP of the situation.

Present Situation: On May 25th, NCP received a notice from Central Única dos Trabalhadores (Workers Central Union) – CUT informing that, after a number of pressures from the Syndicate, civil society entities, politicians, besides the fact that the instance had been submitted to the NCP and was being examined, the Unilever direction announced that the company would be working an alternative plan that would involve the investment in new production lines at Vinhedo and this would absorb most of the workers of the dismissal list. At the same time, the company keeps offering help to the workers that want to leave the plant.

The Syndicate requested NCP to contact the company requesting them to clarify the terms of the proposal. In a contact with Unilever NCP contacted the company that reassured the interest in solving the situation in a short period of time.

NCP Brazil will be following the situation and believe Unilever and the Syndicate will find a satisfactory agreement shortly.

4. Company: Bom Preço/Wal-Mart

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

Complaint: NCP received on March 2004 from CONTRACS-CUT a letter stating several issues that are presently being analyzed to decide if they will be accepted or rejected.

Date that specific instance was received: March 26th, 2004.

Sector of activity: Retail distribution

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

Present Situation: NCP members are analyzing the documents to decide if the instances will be accepted or rejected.

Specific instances considered by NCP's to date

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

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?

The implementation of the Advisory Committee will help to give effectiveness to the guidelines in the country.

Also, after the approval, the Resolution that regulates the presentation of complaints to the PCN will be sent by mail together with a copy of the guidelines to the principal Workers Union Confederations, Companies Union, Science and Technology, Industry and Trade Confederations, by-national Chamber of Commerce and Industry, Consumers Protection Entities and multinational companies.

PCN Brazil is presently in contact with Syndicates to participate in conferences and seminars giving presentations about the Guidelines and NCP role. We are also in contact with the other Ministry's and Government agencies in Brazil to include the NCP link in their websites.

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 2003 - June 2004).

The Canadian Policy Context

The Guidelines continue to be an important element of the Government's approach to promoting corporate social responsibility (CSR). A number of government departments are active in this area, through activities such as information dissemination, facilitation of dialogue among interested parties and support for the development of international norms. The Guidelines are a central part of these activities, their contribution heightened by the fact that they represent the shared views of thirty-eight national governments on what constitutes appropriate corporate behaviour. The business community in Canada is promoting CSR as well, with an increasing number of enterprises adopting codes of ethical conduct and related management strategies. The Guidelines offer a frame of reference for private sector initiatives and the NCP serves as a mechanism to facilitate cooperation between the government and the business community in the promotion of CSR. The Guidelines and NCP also provide a forum for engagement with other key stakeholders, such as labour groups and non-governmental organizations (NGOs) on CSR issues.

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

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

A. Institutional Arrangements

The key responsibilities of Canada's NCP are to promote the Guidelines, respond to inquiries and contribute to the resolution of 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 International Trade, Foreign Affairs, Industry, Human Resources and Skills Development, Environment, Natural Resources, Finance and the Canadian International Development Agency. The diversity of the issues covered by the Guidelines and the potentially broad spectrum of public interest (business, labour, NGOs) in

Canada underscores the importance of structuring the NCP in this way. Other departments and agencies participate in NCP activities as well. Export Development Canada is a frequent participant in NCP meetings and communications. NCP representatives exchange communication frequently and meet as required, depending on the issues at hand.

The 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). The NCP also has frequent contact with domestic and international NGOs.

B. Information and Promotion

a) Information and Promotional Tools

The Canadian NCP web site is a useful tool for promoting the Guidelines. It has also become an efficient way to communicate information on the Guidelines to our overseas missions. All of our embassies and high commissions have been informed of the Guidelines and the importance of this instrument for the promotion of CSR. Overall, the web site offers a convenient point of reference for a growing number of Canadian organizations and businesses that are seeking information on CSR. The site, which receives about 100 visits per week, was updated in January 2004.

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

b) Promotion with Key Stakeholders

The Canadian NCP is pursuing a more strategic approach in the promotion of the Guidelines with the business community. More focus is being given to the extractive sector (mining, oil and gas). Because Canada is a major player in the global extractive sector, both the Canadian Government and the Canadian industry share an interest in maintaining a positive image of Canada in this sector, and ensuring that Canadian businesses contribute positively to the broader social and environmental objectives of the communities in which they operate. Promoting the Guidelines in this sector is a concrete way for the Government to engage Canadian companies in supporting these objectives. In the coming year the Canadian NCP plans to advance this strategy.

Activities were undertaken in the past year with the Canadian mining sector. In November 2003 the NCP attended a meeting with mining officials to discuss the CSR activities of the Mining Association of Canada (MAC) and the Prospector's and Developer's Association of Canada (PDAC). It was agreed that the NCP, MAC and PDAC should explore opportunities for cooperating in the promotion of CSR. In March 2004, an official from Canada's NCP made a presentation on the OECD Guidelines for MNEs to a meeting of about thirty-five CEOs of mining companies and executives of the Mining Association of Canada. The venue for the meeting was the annual PDAC conference in Toronto, a large event which attracts individuals, companies and governments world wide with an interest in mining.

Canada's Trade Commissioner Service includes CSR as an important aspect of its promotional activities. Guidelines brochures are made available to companies that participate on trade and investment promotion missions abroad. The missions normally attract many Canadian firms

interested in doing business abroad and as a result are an excellent forum for the promotion of the Guidelines in cooperation with the business community.

Industry Canada continues to promote the OECD Guidelines as part of its suite of CSR activities to strengthen the capacity of Canadian businesses to develop and use CSR practices, tools, and knowledge to achieve positive social, environmental and economic performance results. For example, in its most recent Sustainable Development Strategy, the Guidelines were used to help shape departmental commitments for the next three years. Commitments include: 1) broadening and deepening CSR promotion to make the CSR approach more mainstreamed; 2) developing the knowledge base with respect to CSR tools, voluntary standards, best practices, and data bases, and; 3) augmenting CSR reporting by industry. A variety of action item commitments will be pursued to help meet these commitments.

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

Export Development Canada (EDC) meets frequently with its customers, various business associations, NGOs, and other stakeholders on CSR issues as part of its efforts to promote ethical corporate conduct and continue a dialogue with these groups. Issues relating to the Guidelines, such as the environmental and social impacts of projects, anti-corruption and anti-bribery efforts, and human rights are discussed. During the course of these discussions and by its undertakings to promote the Guidelines through its web site, the distribution of the NCP's Guidelines brochure, speeches, and other communications vehicles, EDC supports the NCP's efforts to promote the recommendations of the Guidelines within the Canadian exporting and investing community.

In February 2004, members of the Canadian NCP met with about thirty representatives of the Canadian human rights NGO community to talk about the Guidelines. Members of the Canadian labour community were present as well. The discussion provided an opportunity for the NCP to raise awareness of the Guidelines among the groups present. Increasingly, questions are being raised by the NGO community about the application of the Guidelines to human rights violations abroad.

In May 2004, the NCP was invited to make a short presentation on the Guidelines at a panel discussion hosted by the Canadian Institute of International Affairs. The subject of the discussion was *Global Trade and Investment: For Whose Benefit*. The UN Panel of Experts report on the DRC was an important part of the discussion. Those in attendance, about sixty, included academia, media and NGOs. The NCP can expect more invitations to participation in such events as the profile of the Guidelines increases.

Guidelines brochures were circulated at a number of events during the year. The brochures are also included in Canadian delegation kits for international meetings dealing with CSR, such as Globe 2004 held in Vancouver in March 2004.

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.

In September 2003, the Deputy Ministers of the departments of International Trade and Foreign Affairs transmitted a message on the subject of CSR to all Heads of Canadian Missions abroad (high commissions, embassies, consulates). The message included a recommendation to promote the Guidelines with Canadian companies operating abroad and provided links to on-line reference material and tools to enable the missions' staff to effectively promote CSR, including the Guidelines.

The departments of Foreign Affairs and International Trade provide information sessions on the Guidelines for overseas trade officials. The provision of Guidelines information is also a part of human rights training for government officials preparing for overseas postings. A formal training program on CSR targeted at trade officials is planned. In March 2004, a pilot training initiative, which included a session on the application of the Guidelines abroad, was held at the Canadian Embassy in Manila, Philippines.

Industry Canada continues to specifically recognize and promote the Guidelines within the context of its new Sustainable Development Strategy. This involves working in international fora, such as the OECD, and conferences (e.g., Globe 2004) to improve the Department's knowledge and understanding of CSR and related practices. Industry Canada works closely with a number of other key federal departments to build more cooperation and collaboration on the promotion of CSR practices. This interdepartmental group collaborates closely with the NCP.

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

The Canadian International Development Agency is integrating the promotion of CSR into private sector development programming. In this context, they are generating greater awareness amongst officers of the role of CSR, including instruments such as the Guidelines, in development.

Inquiries

A number of inquiries about the Guidelines were received by the NCP in the past year. Inquiries received via e-mail are often from think-tanks and academic institutions looking for information on Canada's experiences with the Guidelines. Other inquiries come through meetings with businesses or NGOs. Often such inquiries are about the nature of the Guidelines and their possible application in certain situations. The media made a number of inquiries in the past year as well, mostly related to the UN Panel of Experts Report on the Democratic Republic of the

Congo. 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 home to 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), released in October 2002. The listed companies, including eight mining companies from Canada, were alleged to be in violation of the OECD Guidelines for MNEs in respect of their activities in the DRC.

A coalition of NGOs contacted the NCP by letter on December 5, 2002 to register their concern about the activities of the listed Canadian companies. In a follow-up meeting with the NCP, the NGOs requested that their letter be considered as a formal request for a "specific instance" procedure under the Guidelines.

The NGOs were informed by letter, dated March 27, 2003, that the NCP would await receipt of information from the Panel before proceeding with a formal "specific instance" procedure. The information was requested from the Panel through the OECD Committee on International Investment and Multinational Enterprises (CIME), the body responsible for overseeing implementation of the Guidelines by NCPs. As no information was ever received by the Canadian NCP from the Panel, a "specific instance" procedure of the type contemplated under the OECD Guidelines could not proceed. Nevertheless, the Canadian NCP maintained a dialogue with the interested NGOs and involved companies and held several meetings with both sides to discuss the Guidelines and the UN Panel of Experts process.

The Panel was instructed by the UN Security Council to prepare a final report and, in doing so, undertake consultations with the listed companies to clarify the nature of their activities in the DRC. The final report was released in October 2003. Seven of the eight Canadian companies were listed as issues "Resolved - no further action required." One company was listed as "Pending Cases with Governments" and enquiry by the government was requested by the report. The NCP accepted the conclusions of the Panel's final report and is in the process of following up with the "eighth" company. A representative of the NGO coalition group was informed of the NCP's approach in a February 2004 meeting.

b) Burma

The Canadian NCP received a formal complaint on November 19, 2002 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 is considered as a "specific instance" under the Guidelines. The specific Guidelines recommendations covered by the complaint respect forced labour and the right to organize. There was also a third complaint concerning "ecological damage", although no specific recommendation was identified.

The NCP contacted the labour group and the company and offered to facilitate a dialogue between the two sides. The labour group responded favourably. The company did not reply positively or negatively to the NCP's offer. NCP follow-up initiatives are underway.

Concluding Remarks

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

Business operations in countries suffering from conflict or weak governance have been the source of recent "specific instances" raised with the Canadian NCP. Unique challenges are associated with managing these types of "specific instances". Further action will be undertaken to bring the outstanding instances to a conclusion.

CHILE / CHILI

The Marine Harvest Case: Developments and Results

*(A longer report on this specific instance can be found at the following website address:
<http://www.oecd.org/dataoecd/42/13/32429072.pdf>)*

I. Presentation

This is the first case submitted to the OECD National Contact Point in Chile, in accordance with the “OECD Guidelines for Multinational Enterprises”.

Marine Harvest S.A. (MH) is a subsidiary of Nutreco, a Dutch multinational and a leader in the competitive Chilean Salmon export industry.

The salmon industry has become one of Chile’s most prestigious and competitive industries. In fact, Chile is the world’s second largest salmon producer after Norway.

Therefore, given the economic significance of the salmon industry, the present case becomes particularly sensitive.

II. Case summary

The Chilean NCP initiated proceedings on the case in November of 2002. Accordingly, the NCP responded the allegations presented by the NGO’s Ecoceanos (Chile) and Milieudefensie (Holland).

The allegations refer to certain aspects relating: employer – union’s relations, environmental impact of the salmon industry, and other related issues.

The NCP requested and received written reports from all competent governmental agencies. Also, the NCP ask the Parties to disclose all complementary information.

In view of the foregoing, the NCP presented a Final Report in October of 2003.

III. The results:

A. Round Table, X Region, Chile.

This is the most significant result of the present case, as allowed all the Parties involved to exchange views, and eventually, reach an agreement. This Round Table was originally proposed by the NCP and included the participation, among others, of Marine Harvest and interested NGO’s, particularly the “Ecoceanos Centre”.

The points here agreed upon, will be the base for a Protocol signed by the Parties at a Plenary Meeting to be held in the southern city of Puerto Mont in June 2004.

The purpose of the initiative was to facilitate the exchange of views between the enterprise, civil organizations, and regional authorities directly related to the case.

The list of participants included: representatives from Marine Harvest Administration Division, representatives from the three different Unions of the enterprise, NGO’s representatives, Regional

Association of Sport Fishing representatives, the Director of the Regional Environment Commission (COREMA), and the Director of the National Fishing Service (SERNAPESCA), who has also served as the coordinator of this instance. The Chilean NCP has participated in the two plenary meetings so far performed.

B. Regional Level

Participation

The Round Table represents a real and effective space for public/private participation, with a real social impact. All parties interested were able to express their views and cooperate towards a commonly achieved goal, that is, to find a practical solution that guarantees the respect to the parties' demands.

Contents

- a) The limits of the defense lines protecting the Domeyko concession, in Lake Llanquihue, will be removed from its current position, and reinstalled in a location that allows "sport fishers" to have free access to the existing resources.

The final agreement was reached between the Regional Association of Sport Fishers and the Regional Maritime Directorate. The agreement allowed the reestablishment of good relations between the parties.

- b) Subcontractors and the respect to Labor regulations

The Unions, NGO's, and public Institutions have agreed on the fact that, in general, subcontractors do not fully respect Labor regulations. It is well known that these enterprises are part of the multinationals productive chain in the aquiculture sector. Thus, the infringement of labor regulations represents a permanent social conflict at the regional level.

On this issue, an agreement was reached between Marine Harvest, the Unions, and the Regional Labor Directorate. The agreement consists in a complete set of internal rules to be applied by Marine Harvest in its commercial relationships (contracts) with contractors and subcontractors.

Content of the Rules adopted by Marine Harvest:

- I. General principles concerning, labor relations, social security, environmental regulations, hygiene, and risk prevention.
- II. A precise and detailed description of the regulations (statutes, acts, etc.) that the contractors and subcontractors shall comply with.
- III. Notwithstanding the jurisdictional attributions of governmental agencies, Marine Harvest committed to observe the compliance of such regulations.

All the parties involved had the opportunity to contribute in the process, so the final contents reflect their diverse interests. Labor Unions made a special contribution, as they participated in every stage of the initiative.

Since this initiative has been implemented, a number of enterprises in the aquaculture sector have expressed their desire to pursue similar initiatives.

- c) Research Initiatives on the aquaculture industry's impact on the environment

Marine Harvest is currently carrying on a number of studies concerning the issues presented above. Also, the National Organization of Aquaculture Enterprises, through Intesal Institute and along with the Universidad Austral are carrying on similar research initiatives.

Nevertheless, Marine Harvest has made it clear in rejecting the possibility of having external institutions, such as NGO's and other private organizations to participate in the research initiatives carried out by Marine Harvest, as these activities are part of a private and independent program belonging to the enterprise.

C. NCP Report. Final results

The following section presents the final results included in the Final Report. In other words, those matters subjected to consideration, opinions or recommendations.

- a) Marine Harvest – Labor Unions relations

The Report by the NCP is strongly supportive of the role of the Unions and the compliance of Labor regulations. The report also points out that all of the rights and obligations mentioned in it are recognized either by Chilean or International Law. This statement was made in reference to the events that took place in a Marine Harvest facility in the course of the year 2001.

- b) On the right of the local communities to know the activities of the multinational enterprises (i.e. the limits and the extension of the concessions).

Marine Harvest has made available to the NCP and NGO's, all the necessary data to determine the geographical limits of all concessions owned by the enterprise.

- c) On the right to use the 5 miles extending from the Chilean coastline into the Pacific Ocean.

NGO's affirm the exclusive right of the artisan fishers to use this area.

On the contrary, the governmental agencies, particularly SERNAPESCA, affirm that such exclusive right does not exist; that the exclusiveness only applies to industrial fishing, with exclusion on any other activity, such as aquaculture.

Finally, that the NGO's legal interpretation is not acceptable.

- d) That aquaculture concessions could negatively affect other industries located in the surroundings of the facility.

Chilean regulations provide a number of safeguards to avoid negative collateral effects in other industries. There are also different mechanisms to question the establishment of the aquaculture industry.

NGO's claim is not sustainable. It does not identify any concession under the circumstances described in its allegation.

- e) Environmental impact

The NCP's report, shows that competent governmental agencies are aware of the environmental risks associated to this particular industry.

Consequently, Chilean regulations are being updated to comply with higher international standards. The best example is the new "Environmental Regulation", which entered into force in December, 2003.

This report requests SERNAPESCA to perform an evaluation on these issues, once the new law is fully implemented.

*Chilean NCP
Santiago, June 2004*

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

Information towards social partners

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

Other information and promotion activities

At request of the DG Enterprise (Trade) of the European Commission the Czech NCP presented the implementation of the Guidelines and the activity of the NCP during the European Multi-Stakeholder Forum on CSR in Brussels, June 2004.

The Czech NCP provided also information focused on the specific instances on the occasion of the CIME Meeting, Paris, December 2003.

Information to non-governmental organisations

At the request of the non-governmental institution specialized in publishing and editorial activities the NCP provided respective information of the Czech NCP's activities.

C. Implementation in specific instances*Institutional framework*

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

Information on specific instances

Trade unions raised issues regarding the exercise of trade unions' rights in companies of multinational enterprises operating in the Czech Republic in three specific instances. The first instance was solved by reaching an agreement of all parties concerned, the second and the third instances are under consideration.

Specific instance No. 1

In October 2003 the NCP received a request from a trade union regarding the Swiss-owned multinational enterprise operating in the Czech Republic in the machinery maintenance sector. The submission cited the OECD Guidelines Chapter IV. Employment and Industrial Relations. The NCP accepted this request and discussed this issue at two meetings. In February 2004 the parties reached a consensus. The results of this process were provided to the Ministry of Finance Press Centrum.

The NCP gathered information about this issue through two channels: the representative of respective company and of the Bohemian-Moravian Trade Union Confederation.

Two negotiations were gathered in order to find a resolution acceptable for all parties. After a lot of efforts the agreement was reached and all the parties involved appreciated the procedure and expressed their satisfaction with the solution itself.

Specific instances under consideration:

- Specific instance No. II
Date of request : January 2004
Who raised : trade union
Which chapters of Guidelines : Chapter IV. Employment and Industrial Relations
Sector of activity : retail distribution
The NCP accepted this request, however it put it away till results of a parallel legal procedure are available for further consideration.

- Specific instance No. III
Date of request: February 2004
Who raised: trade union
Which chapter of Guidelines: Chapter IV. : Employment and Industrial Relations
Sector of activity: other services.
The NCP asked for additional documents which will be assessed by the NCP in cooperation with the representatives of the business community and the trade union. On the basis of the assessment the NCP will decide whether it will accept the request or reject it.

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.

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 Ministry of Employment has changed address and is now located at Ved Stranden 8, DK-1061 Copenhagen K. 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 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 Danish Agency for Trade and Industry is no longer represented in the Danish Contact Point.

- The above mentioned Danish government agencies are considered to have a direct interest in the *Guidelines*. The Danish Contact Point does not have any specific relations to other government agencies, but will involve relevant agencies if necessary.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- Alongside the Danish Contact Point an open "Guidelines-group" has been established with representatives of interested NGOs and the members of the Danish Contact Point. The Guidelines-group meets on average twice a year. The purpose of the Guidelines-group is to facilitate the exchange of views and ideas on the promotion of the *Guidelines*.
- The Danish Contact Point will be represented at the meeting of the Nordic Contact Points in Reykjavik, Iceland on 24 May 2004.

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 - www.bm.dk/kontaktpunkt.

- 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 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 has been subject to an enquiry from the Danish *Ombudsman* about the status of The Danish Contact Point in relation to Danish administrative law. The *Ombudsman* specifically asked for the opinion of the Ministry of Employment on the competence of the *Ombudsman* in relation to the Danish Contact Point. The Ministry of Employment responded that the competence of the *Ombudsman* must be viewed as residual alongside the competence of CIME. The *Ombudsman* is competent with regard to e.g. the financial matters of the Danish Contact Point, but with regard to e.g. how the Danish Contact Point handles specific instances CIME is the competent body.
- The conclusion of the Danish *Ombudsman* with regard to his own competence in the matter was that he basically regards his office as generally competent, but nonetheless refers the matter in question to be brought before CIME.

C. Implementation in specific instances

- The Danish Contact Point considers itself able to deal with specific instances.
- No specific instances have been brought before the Danish Contact Point in the June 2003-2004 cycle.

D. Other

- The Danish Contact Point seeks to operate in accordance with both Danish and international standards on visibility, accessibility, transparency and accountability.

ESTONIA / ESTONIE

A. Institutional Arrangements

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

National Contact Point of OECD Declaration on International Investment and Multinational Enterprises
 Ministry of Economic Affairs and Communications of the Republic of Estonia
 Harju 11
 15072 Tallinn
 Estonia
 phone: +3726256399
 fax: +3726313660
 e-mail: hellehelena.puusepp@mkm.ee

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

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

The other NGOs are involved in the functioning of the NCP through informal contacts. They have provided valuable insight at different aspects of foreign investments and the guidelines and the ENCP seeks for deepening 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 contacts with the Confederation of Estonian Trade Unions, Estonian Employers' Confederation and the Estonian Chamber of Commerce continue ensuring the dissemination of information about Estonian adherence to the Guidelines and the events of the ENCP and the developments in the area of international investment.

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

C. Implementation in specific instances

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

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

- *Visibility*: The ENCP has promoted the Guidelines since the adherence to the Declaration. The guidelines have been translated into Estonian and published in printed form and on web pages.
- *Accessibility*: The detailed contacts have been added to the list of the NCPs on OECD web-page and the link has inserted in the Ministry of Economic Affairs and Communications web-page. The institutional location has been advertised through press announcements.
- *Transparency*: All activities of the ENCP have been open and transparent. There have been no specific instances raised to date, and no issues of confidentiality/transparency have arisen.

D. Other

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

FINLAND / FINLANDE

A. Institutional Arrangements

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-scope forum of public and private representatives for issues related to investment and Corporate Responsibility, acts as the Finnish NCP.

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

The members of the committee come from various responsible ministries, business and trade unions and NGOs.

The 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 and the Finnish Consumers' Association.

The Committee has its own rules of procedure, met several times over the review period and discussed all Guidelines-related business.

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 and with information on the Guidelines and Corporate Responsibility has been developed, <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 and seminars with the business and other stakeholders. The members have promoted the Guidelines by disseminating information to other stakeholders.

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

A number of activities have been undertaken since June 2003, aiming at promoting the Guidelines among business, trade unions and non-governmental organisations.

- *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.*

No update is necessary in the case of Finland.

C. Implementation in specific instances

The NCP has not handled individual cases during the reporting period.

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.*

In October 2003 the Finnish NCP organised together with the Finnish Business & Society Network a special seminar on Corporate Social Responsibility and Codes of Conducts in individual enterprises. The Seminar brought out views of Finnish public administration, business and trade unions, media and non-governmental organisations on challenges of the promotion of CSR. Furthermore, the aim of the seminar was to promote the Guidelines and other ethical principles to offer a discussion forum for the different parties and to give feedback to the Finnish NCP preparing a special governmental CSR programme.

On February 11, 2004, the Executive Group of the Ministry of Trade and Industry adopted the Ministry of Trade and Industry's Guidelines on Promotion of Corporate Responsibility. They were drawn up by the Finnish NCP in cooperation with various ministries and organisations of business life and other stakeholders.

The Finnish NCP, the Committee on International Investment and Multinational Enterprises (MONIKA) is being developed, by revising the decree issued on the Committee, into a cooperative body of the government, business life and other actors, which will promote corporate responsibility in a versatile manner. The Guidelines of the Ministry of Trade and Industry aim to enhance corporate responsibility within the framework of a programme called Corporate Responsibility Finland. In the programme the promotion of the OECD Guidelines is an important feature.

To advance the execution of the Corporate Responsibility Finland programme, a report has been prepared on the OECD Guidelines, Global Compact and GRI and their progress in Finland. The report aims at providing an overall picture of international guidelines and initiatives concerning corporate social responsibility. It also describes how far Finland has progressed in the public promotion of corporate social responsibility reporting and other forms of corporate governance. In April 2004 the Finnish NCP organised a special seminar on the report.

In May 2004 the Finnish NCP organised together with the Finnish Business & Society Network a special seminar on the SME topics with the promotion of Guidelines.

FRANCE

A. Organisation institutionnelle.

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

La direction du Trésor au ministère de l'économie, des finances et de l'industrie assure le secrétariat et la présidence du PCN. Mme Claire Waysand a succédé à Mme Odile Renaud-Basso en tant que présidente du PCN français à l'automne 2003.

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

B. Information et promotion.

Durant l'année 2003, le PCN français a continué de promouvoir les Principes directeurs de l'OCDE au travers de réunions thématiques avec les entreprises françaises.

De surcroît, le PCN français a, durant cette période prêté son assistance à des PCN étrangers, qu'il s'agisse de les aider dans le cadre d'une circonstance spécifique ou qu'il s'agisse de leur présenter la nature et le mode de fonctionnement du PCN français.

C. Mise en œuvre des circonstances spécifiques.

Durant l'année 2003, le PCN français a :

- conclu son travail sur deux circonstances spécifiques :

- *Aspocomp*

Le PCN français a été saisi par le syndicat français Force Ouvrière le 4 avril 2002 à la suite du dépôt de bilan d'une filiale basée à Evreux du groupe finlandais ASPOCOMP OYJ, malgré la signature d'un plan social le 18 janvier 2002. La saisine s'appuie sur l'article 6 du chapitre IV des principes directeurs, qui indique que "lorsque les entreprises envisagent d'apporter à leurs opérations des changements susceptibles d'avoir des effets importants sur les moyens d'existence de leurs salariés, notamment en cas de fermeture d'une entité entraînant des licenciements collectifs, elles [devraient] en avertir dans un délai raisonnable les représentants de leurs salariés".

Conformément aux procédures prévues par les principes directeurs, le PCN a procédé à des consultations avec l'ensemble des parties concernées. A la suite de ces consultations, le PCN a notamment coopéré avec le PCN finlandais afin d'obtenir des informations supplémentaires sur la connaissance par la maison-mère des difficultés financières de sa filiale au moment de la signature du plan social.

La mise en œuvre de cette circonstance spécifique a débouché le 18 novembre 2003 sur la publication d'un communiqué dans lequel la Présidence du PCN a fait valoir le non-respect des principes directeurs par l'entreprise concernée (cf. le site Internet du PCN).

– *DACIA*

Le PCN a été saisi par un syndicat roumain, le 18 février 2003, d'un conflit salarial né dans une filiale roumain du Groupe Renault (Dacia) à l'occasion de la négociation de la convention collective pour l'année 2003. Les principaux points de conflits portaient notamment sur l'augmentation des salaires proposée jugée trop faible au regard du taux moyen d'inflation dans ce pays et sur le non respect des lois roumaines et des principes directeurs en matière de communication d'informations économiques et financières nécessaires au processus de négociation. Un point de situation effectué début mars 2003 faisait apparaître que les procédures de règlement des conflits collectifs avaient été régulièrement mises en œuvre. Dans l'intervalle, le PCN était informé que la procédure de négociation avec le syndicat roumain avait abouti à la conclusion d'un accord entre les parties concernées, le 7 mars 2003. La négociation de la Convention collective pour 2003 était, pour sa part, finalisée le 12 mars 2003.

- continué son travail sur une circonstance spécifique :

Le PCN a été saisi début 2003 d'une circonstance spécifique ayant trait à la violation des principes directeurs de l'OCDE au titre du non-respect du chapitre V et de son chapeau. Une démarche judiciaire est actuellement en cours sur cette affaire, notamment afin de déterminer la fictivité de la filialisation de l'entreprise. Le PCN continue pour l'heure ses consultations internes.

- été saisi de deux nouvelles circonstances spécifiques :

– *Première circonstance spécifique*

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

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

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

Aussi, le PCN français a-t-il décidé d'inviter les ONG à reformuler leur saisine, à la lumière des documents ultérieurement produits sur ce projet en précisant dans ce cadre, les points sur lesquels ces ONG estiment que les sociétés françaises mises en cause ne respectent pas les principes directeurs de l'OCDE à l'intention des entreprises multinationales.

– *Seconde circonstance spécifique*

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

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

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

Il ressort de cette consultation que le "sort" de cette entreprise est lié au traitement par le PCN Belge d'un cas d'entreprise d'approvisionnement belge avec laquelle traitait l'entreprise susmentionnée. Le PCN français va prendre attache avec le PCN belge pour connaître les suites données par celui-ci à la circonstance spécifique concernant cette entreprise.

GERMANY / ALLEMAGNE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2003 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

Please add: <http://www.bmwi.de/Navigation/Unternehmer/auslandsgeschaefte.html> respectively <http://www.bmwi.de/Navigation/Aussenwirtschaft-und-Europa/Finanzierung-und-Recht/Investieren-im-Ausland/oecd.html>

- *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 meets regularly (about two times a year) under the chairmanship of a senior official of the Federal Ministry of Economics and Labour to discuss all Guidelines-related issues.

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

The National Contact Point co-ordinates with other Federal ministries such as 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?*

Within the context of the 'Working Party on the OECD Guidelines' the national contact point offers representatives from business organisations and social partners the opportunity to participate in Guidelines-related activities. The National Contact Point consults and includes them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the Parties involved.

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

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

B. Information and Promotion

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

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 is available 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 has been made available in print version. It also has been distributed by the economic sections of all German embassies abroad.

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

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

The G8 Labour and Employment Ministers Conference which was held from 14-16 December 2003 in Stuttgart encouraged in its conclusions multinational enterprises, including small and medium sized companies, to respect the OECD guidelines.

Germanwatch in cooperation with Friend of the Earth (FoE) Netherlands and BUND/ FoE Germany published the German version (an updated version) of a Toolkit developed by FoE Netherlands to make use of the Guidelines (“Anwendung der OECD-Leitsätze für Multinationale Unternehmen. Handbuch für NGOs“)

- *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.)?*

On December 1st, Germanwatch in cooperation with the OECD Berlin Centre, TUAC and the EED has organised a Conference on 'Corporate Accountability and Supply Chain issues'. A documentation of the lectures and results will be published soon.

Transparency International – German Chapter (TI-D) has expanded its web-site information on its international activities to include basic information on the OECD Guidelines and TI-D's efforts to support their application. Since January 2004 a small working group has been established to develop strategies for promoting a more effective application of the Guidelines.

- *Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair's Summary (“Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes”). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

No update necessary.

- *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 (for examples see under 'C (3-6)').

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

On (c): None.

C. Implementation in specific instances

The German National Contact Point (German NCP) follows the existing 'OECD Procedural Guidance' for the Guidelines in dealing with all Guidelines-related issues as well as with specific instances. Regularly, after having accepted a request as a specific instance, it asks for written statements by the MNE concerned and then starts conciliation proceedings with the Parties involved (The following 2 specific instances were added to Annex Table 4).

1. In September 2002, the German NCP received a request by the 'Clean Clothes Campaign' (CCC) to consider a specific instance against a German manufacturer of sports equipment. CCC complained, based on an OXFAM-Report „We Are Not Machines“, March 2002, that suppliers of the German manufacturer in Indonesia, a non-adhering country, had not complied with the OECD Guidelines Chapter II (General Policies) and IV (Employment and Industrial Relations). After numerous conciliation proceedings and a constructive dialogue, the German NCP is about to close the specific instance and to issue a statement in May 2004 (being posted on the ministerial homepage of the German NCP). The statement records the fact that the parties involved still have some difference of opinion on the facts that formed the basis of the complaint in the past while at the same time they agree to further exchange information and to promote (improve?) labour conditions there in the future.
2. In June 2003, the German NCP received a request - through the Association of the German Trade Union (DGB) - by the Philippines Labour Unions to consider a specific instance against a German MNE (chemistry) in which they complained that its subsidiaries in Philippines, a non-adhering country, had not complied with the OECD Guidelines Chapter IV (Employment and Industrial Relations). After having received comments by the MNE concerned in September 2003, the German NCP, in view of the complexity of the case, asked the Unions to comment the MNE's statement. Having received the comments by the Unions in April 2004, the German NCP will now start conciliation proceedings and invite both Parties involved.

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

This includes (3) a specific instance that is in the competence of the Mexican NCP brought by an NGO on behalf of a Mexican labour union against a Mexican subsidiary of a German tyre manufacturer which is still pending, and (4) a complaint of an NGO against the German subsidiary of a French MNE with respect to environmental damage in Russia. The German NCP hopes that those conciliatory talks may have aided the parties involved to view matters in

a constructive and objective way and to have created an atmosphere that may lead to further cooperation of the parties concerned.

Finally, the German NCP received (5) a specific instance raised by a German NGO against the German subsidiary of a MNE because it belongs to the MNE heading the BTC consortium. The German NCP did not accept the request because there was no involvement of the German subsidiary in this investment. In a similar context there was (6) a specific instance brought against a German bank due to its involvement in the financing of an oil pipeline in Ecuador (on environmental grounds and human rights violations as well). The German NCP did not accept this case because of the fact that the bank was involved on a purely financial level (project finance loans) and there was no investment nexus.

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 exploratory talks with German companies concerned. Furthermore, it is in close contact with other NCPs - and CIME - as to further procedures. After the final UN-Expert Panel report of October 2003, only one case will need further clarification. However, the German NCP has come across considerable difficulties in obtaining sufficient information on activities in the DR Congo that would enable it to make a determination whether there has been non-compliance with the OECD-Guidelines. In any case, the process of contacting companies and discussing the issue with them has led to a considerable increase of awareness of the Guidelines and the likelihood that the Guidelines will be taken into account properly in future activities in the DR Congo (and elsewhere).
 - While the German NCP is observing confidentiality in its activities - as demanded by para. I.C.4.a) of the 'Procedural Guidance' and para. 19 of the 'Commentary' for the handling of specific instances - this principle was not necessarily equally respected by some of the other parties involved. To some degree, this seems to be related to the fact that some of the specific instances raised have been brought in connection with already existing or newly launched public campaigns of NGOs. This automatically tends to entail conflicts with the general confidentiality requirement. In each individual case the confidentiality requirement 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 still warrant more general reflection and discussion.

- Cooperation between NCP's in dealing with specific instances is extremely important and should be given high priority. The NCP of the country where the activity takes place that has given rise to a specific instance has clear advantages in being able to weigh the pros and cons of each argument - as against the rules and regulations as well as practices prevalent in that country. The NCP of the 'home country' can possibly assist in the resolution of a specific instance by establishing and maintaining a contact with the central office of a MNE, if that should seem appropriate and useful, as well as offering a separate forum for discussions in that context. An exchange of experience among NCP's on this issue would be useful.

- The issue of a procedure according to the OECD-Guidelines taking place in parallel with legal procedures being pursued between the parties of a specific instance will also need more attention. Parties may tend to await the outcome of a particular judicial procedure before being willing to work jointly and constructively towards a solution of a specific instance. Besides, the resolution of a pending legal issue may also have an influence on the capability and willingness of a NCP to make a determination whether non-compliance with the Guidelines has occurred. Ideally, however, parallel proceedings according to the Guidelines should help the parties to jointly find a solution to the conflict that would possibly be quicker, less costly and a better basis for the future cooperation than awaiting the (final) solution of often lengthy legal proceedings.

GREECE / GRECE

A. Institutional arrangements

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

Ermou & 1, Cornarou Street
GR-105 63 ATHENS
Tel: +30210-328.6301 or +30210-328.6231
Fax: +30210-328.6309
e-mail: nsyms@ath.forthnet.gr

The NCP is a governmental service: The *Directorate for International Organisations and Policies*, 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 now electronically available, together with an Introductory Note and information on the Greek NCP, on the website of the Hellenic Investment Promotion Agency (ELKE), at the electronic address: www.elke.gr/bloecd.htm

C. Implementation in specific instances

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

D. Other

The International Economic Relations of the Ministry of Economy and Finance are subject to a major restructuring to be completed within the summer of 2004. With a view to improving the effectiveness and visibility of the Greek NCP, it is envisaged that the NCP will become part of another Directorate or Department in the Ministry of Economy and Finance.

No promotional activities have been undertaken this past year.

HUNGARY / HONGRIE

A. Institutional Arrangements

Address of the Hungarian National Contact Point:

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

Composition of the Hungarian National Contact Point (HNCP): Current organisational structure is trilateral. The HNCP is 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)

After the organisational modification in 2002 the 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. 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 is the home page of MoET and the HNCP in the MoET (http://www.gkm.hu/dokk/main/gkm/gkm2/nemzkapcs/oecd_nkp.html).

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 version of the Guidelines in pdf file format.)
- 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 8, 2003 and May 21, 2004.

C. Implementation

The HNCP Secretariat works under specific circumstances. The Hungarian delegate to the CIME is a member of the HNCP Secretariat Staff and the General Directorate of Investments and Economics at the same time. The General Directorate of Investments and Economics is responsible for keeping close touch with investors' associations, organisations (Joint Venture Association, Am-Cham, German-Hungarian Chamber of Commerce and Industry, Investors' Council, etc.). In this way information on the Guidelines flows through these channels.

ICELAND / ISLANDE

A. Institutional Arrangements

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

B. Information and Promotion

The Guidelines are in the process of being translated into Icelandic. Upon completion of the translation, the Ministry will decide how best to make the Guidelines available to domestic stakeholders.

Informal inquiries from representatives of certain labour associations for information on the Guidelines have been responded to.

C. Implementation in Specific Instances

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

IRELAND / IRLANDE**Introduction**

This is the Fourth 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. May 2003 to May 2004 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
 Bilateral Trade Promotion Unit
 Department of Enterprise, Trade and Employment
 Kildare Street
 Dublin 2
 IRELAND.
 Telephone + 353 1 631 2605
 Fax + 353 1 631 2560
 e-mail Pat_Hayden@entemp.ie or Miriam_Tracey@entemp.ie

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

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

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, maintaining and evaluating high standards of business conduct continues to be 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.

As part of its continuing outreach activities to promote the Guidelines, the NCP maintains links with corporate governance experts in both the national employers federation - Irish Business and Employers Confederation (IBEC) and in the Irish Congress of Trade Unions (ICTU).

The key actions of the NCP to promote and encourage the use of the Guidelines are now summarised:

Links with the Irish Business and Employers Confederation (IBEC)

In 2001 the NCP advised IBEC on the development of a voluntary Code of Corporate Governance for the Confederation's members. IBEC's voluntary code can be located at <http://www.ibec.ie>. Since the release of the Guidelines, IBEC has received some positive feedback from the Irish business community and it is planned that the Code of Conduct will be evaluated and reviewed further and the findings published by the end of the year.

It was previously reported that the Department was to support a proposal by the Irish Productivity Centre, in association with IBEC, to undertake a project assessing the observance of the Guidelines by enterprises in Ireland, and benchmarking this performance against best practice in a number of other EU Member States. The NCP feels that such a project could complement the activities of the OECD and national NCPs, and provide them with useful information for enhancing promotion initiatives and actively encouraging awareness, knowledge and observation of the Guidelines. It is hoped that this project will commence after the review of the Code of Corporate Governance.

Links with the Irish Congress of Trade Unions (ICTU)

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

Department of Enterprise, Trade & Employment Sustainable Development Strategy

In November 2002, the Department 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 Department's Annual Report 2003 can be accessed at <http://www.entemp.ie/publications/corporate/2003/annualreport.pdf>.

Other Information and Promotion

The Department continues 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.

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/enterprise/fdi2.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. Links to the EU, WTO and UN are also provided for reference.

As part of the Department's obligations under the Freedom of Information Act 1997, we produce a reference book every three years which formally describes the functions, rules and operations of the Department: "A Guide to the Functions, Records, Rules and Practices of the Department" – 3rd Edition April 2004 (<http://www.entemp.ie/publications/corporate/2004/section1516.pdf>).

While the Guidelines continue to be widely promoted, 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 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.

ISRAEL / ISRAËL

A. Institutional arrangements

The NCP is located at the Foreign Trade Administration, Ministry of Industry Trade and Labour and is related to the Investment Promotion Centre (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, lectures regarding the Guideline were given: The Department for International Agreements & International Litigation at the Ministry of Justice and The Centre for Investment in Ministry of Industry Trade and Labour. A communication with the Industrial Manufacturers' Association, trade organizations, consumer organizations and others and promoting the Guidelines and the activity of the NCP is being done on ongoing basis.

An Advisory Committee has been composed of representatives of other Ministries including: Industry Trade and Labour, Finance, Foreign Affairs, Environment and Justice.

A foundation document has been agreed upon. A decision was made to publish a bulletin on the Guidelines for the Investment Declaration. The bulletin will be published In Hebrew, Arabic and English.

ITALY / ITALIE

A. Institutional Arrangements

Composition of the NCP: Single Department

Governmental Location of the NCP: General Direction for Development and Competitiveness, Ministry of Production Activities

Other Ministries and Agencies Involved: Ministry of Welfare, Ministry of Foreign Affairs, Ministry of Environment, Ministry of Agriculture, Ministry of Health, Trade Unions, Confederation of Industries.

Comments and notes: The Representatives of the Ministries and Agencies mentioned in the previous paragraph are members of the NCP Advisory Committee. The Committee is to meet every six months under the presidency of the General Director for Development and Competitiveness of the Ministry for Production Activities. The Decree is being formalized.

Address and e-mail

Ms. Loredana Gulino	Tel: (39-06) 47052988/47052475
Direzione Generale Sviluppo e Competitività	Fax: (39-06) 47052475
Ministero Attività Produttive	E-mail: pcn1@minindustria.it
Via Molise 2	pcn2@minindustria.it
00187 ROMA (Italy)	loredana.gulino@minindustria.it
Web Site: work in progress	

B. Information and Promotion

- The Guidelines have been translated in Italian and published in 1.100 copies. Since the specific NCP website is not working yet (see above), at the moment the Italian version of the Guidelines is available on website of the Ministry of the Production Activities (http://www.minindustria.it/organigramma/elencodocumenti.php?sezione=organigramma&uff=&tema_dir=tema2&nodo=131&tipo=10).
- The NCP recently created its “logo”, already used on mail paper, folder, envelopes etc.. A brochure with a resume of the Guidelines and a presentation of the NCP and its functions is going to be published.
- The NCP already organized meetings with Italian Confindustria and with the local Government, Enterprise Associations, Economic Studies Agencies, etc.. On occasion of these meetings a valid support to a wide diffusion of the Guidelines was required.
- NCP participated in the Forum for Public Administration 2004, held in Rome from the 10th to 14th of May, where the Guidelines and a brochure on NCP were available.
- NCP plans further meetings in 2004, inviting also ONGs and Trade Unions representatives,

- NCP plans to contact some Universities and Business Schools to give public lecture on guidelines for students in economics.
- Regarding Annex 3 to the questionnaire, the NCP had contacts with SACE and SIMEST in order to start a cooperation with them, which would hopefully become deeper in the next future.
- A Guidelines presentation is available on the website of ANCE (Associazione Nazionale Costruttori Edili).

C. Implementation in specific instances

At the moment the NCP didn't receive any specific instance.

D. Other

From the meetings we had with enterprises it resulted that the institution of a "Prize for the Best Enterprise" would be very appropriate. NCP is working out this hypothesis.

On April 23 NCP participated to the "Phase 2 Examination under the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

JAPAN / JAPON

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, Annex Table 1 (“Structure of the National Contact Points”) from the 2003 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables. If no update is necessary, please indicate this.*

Amendments are made on the list of National Contact Points as of January 2004.

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

The NCPs are trying to organise as many strategic meetings as possible either at the NCP assistant officer’s level or NCPs themselves mainly focusing on how to deal with specific instances including exchange of views on efficient and effective implementations of the Guidelines.

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

The NCPs report 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 NCPs 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?*

The NCPs make the maximum use of meetings, seminars and forums, organised by themselves or others, to promote the Guidelines where our social partners can participate. When the NCPs organise a meeting/seminar, invitations are always open to them. Also, if the NCPs receive the request to consider a specific instance, the NCPs 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?*

The NCPs make the maximum use of meetings, seminars and forums, organised by themselves or others, to promote the Guidelines where other interested parties, including non-governmental organisations (NGOs) can participate. When the NCPs 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 webpage or website, etc.)?*

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.)?*

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

1. The NCPs assist business schools to organize seminars by exchanging views and providing related information.
2. With a cooperation of OECD Tokyo centre, the NCP made 2000 copies of booklet which contains Japanese provisional translation of the 2000 Guidelines, the revised Council Decision and the Procedural Guidance. These copies are distributed to business community at appropriate occasions such as seminars and forums.

- *Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

See Annex 3.

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

Yes. Enquiries have been received from employee organisations and non-governmental organisations. The NCPs also received some information from other NCPs.

C. Implementation in specific instances

- *Date request to consider specific instance was received.*

March 2004

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

Trade Union and NGO

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

Paragraph 2 of Chapter II. General Policy and paragraph 1.a), 6, 7 and 8 of Chapter IV. Employment and Industrial Relations.

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

Yes.

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

Manufacturing

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

The NCPs are trying to collect enough information on the specific instance to make an initial assessment.

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

N.A.

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

N.A.

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

At this stage, no additional contribution is available.

Specific instances considered by NCPs to date

See Annex 4.

D. Other

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

The Government of Japan is committed to enhancing the role and functioning of its NCPs, taking into account a variety of legal, social and regulatory settings in which multinational enterprises are placed. To realise its commitment, it has been exerting its utmost efforts to promote the Guidelines, which resulted in publishing booklets of the provisional translations and meeting

with its business and social partners. The NCPs continue to promote such activities, in line with the core criteria for the operation of NCPs.

- *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?*

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

KOREA / COREE

A, Institutional Arrangements

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

Ministry of Commerce, Industry and Energy
 1 Chungang-dong, Gwacheon-si, Kyonggi-do
 Tel: 82-2-2110-5356
 Fax: 82-2-503-9655
 E-mail: fdikorea@mocie.go.kr
 Web: www.mocie.go.kr

- The Committee is interdepartmental that is consisted of the Deputy Minister of each relevant ministry of the central government and Vice Governors of each local government.
- In order to effectively resolve issues raised relating to the implementation of the Guidelines, the Committee has Mediation Committees set up temporarily as sub-committees, which consist of relevant government agencies, business associations, trade unions and non-governmental organizations in the field of employment and environment. The Korea NCP will continue to provide useful information to relevant parties and represent their interests fairly.

B. Information and Promotion

- The translation of the Guidelines was finished on 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 (esp. specify the procedural guidance) 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 Labor Society Institute on the Guidelines in general on 12 may 2003. The main theme was the information and promotion on the Guidelines, where the NCP explained enquiry procedure and introduce some specific instances.
- On specific instances, the NCP had a lot of promotive activities. The NCP had meetings frequently with relevant persons from the company in the question and ministries such as the Ministry of Labour and Ministry of Foreign Affairs.
- The NCP have developed linkages between the Guidelines and the Overseas Investment Guarantee with trade-investment promotion agencies. The KOTRA (Korean Trade Investment Promotion Agency) and the Korean foreign exchange banks provide information on the Guidelines to multinational enterprises with inward and outward investments.

- The cooperation of NCP with the business community, trade unions, NGOs and the interested public is being carried out irregularly. Through consultation and seminar, the NCP and private sector exchange experiences and discuss promotion.
- In specific instances, the NCP have received enquiries from (a) other NCP s, especially US NCP. The Netherlands NCP informs of some instances and provides useful information. (b) The employee organizations, other non-governmental organizations have raised the issues on the implementation of the Guidelines.

C. Implementation in Specific Instances

- Four specific instances have been raised by relevant labour unions and NGOs. Three 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.

a. *Specific Instance in Guatemala: company named A*

An Overview

On February 2002, International Textile, Garment & Leather Worker's Federation (ITGLWF) registered a complaint concerned about Korean company named A doing business in Guatemala. The sector of the business activity is Textile and Garment manufacturing. According to ITGLWF, the company 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, 2001. This matter was concerned with violation of article 1.a and article 7 of the OECD's Employment and Industrial Relations Guidelines.

IV. Employment and Industrial Relations - 1.a) Violation

Respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on employment conditions

V. Employment and Industrial Relations - 7. Violation

In the context of bona fide negotiations with representatives of employees on conditions of employment, or while employees are exercising a right to organize, not threaten to transfer the whole or part of an operating unit from the country concerned, nor transfer employees from the enterprises' component entities in other countries in order to influence unfairly those negotiations or to hinder the exercise of a right to organize.

Our NCP accepted the request to consider this complaint and concluded this with a collective agreement on July 2003.

- **Grounds of Korea NCP Activities**

According to Chapter I of the Guideline, governments adhering to the Guidelines encourage the enterprises operating on their territories to observe the Guidelines wherever they operate, while taking into account the particular circumstances of each host country. If problems related to the above regulation arise, they should be reported either to the country where the problem arose or to the National Contact Point of the country where the company is located.

It is legitimate for the mother company to report the problem to Korea NCP since the problem is of the company originated in adhering country, Korea, though occurred in non-adhering country, Guatemala.

- **Arbitration Activities of NCP and Resolution Efforts**

- The Korean government completed a preliminary investigation through correspondence and interviews with relevant personnel both in Guatemala and Korea
- At the end of March 2002, the Guatemalan justice department received charges concerning the company A from the trade union. Since investigation and law application by the local government and court take precedence in confirming objective facts, we had to wait and see how the Guatemala government went about verifying the facts. At the end of October 2002, the local court dismissed this case.
- In Guatemala, regular unofficial management-labor meetings had been conducted twice a month, from July 2001. Representatives of the Guatemalan government, the Korean Embassy, and NGO had participated when necessary in such meetings.

During this process, it was acknowledged that there were a few misunderstandings between management and labor. Both sides agreed on issues that should be improved and actions that should be punished, and were carrying out such measures. But conflicts still existed due to the lack of trust between labor and management and distrust of the Guatemalan government.

- The Korean government held an arbitration meeting on May 24 2002. Representatives of related Korean ministries and the company concerned were present. Officials from Korean ministries made it clear that they would consider legal and administrative measures if the company's settlement of such cases was unsatisfactory. Korean government officials also confirmed that although the Guidelines are not compulsory, it would be possible to restrict investment activities of multinational companies in terms of the Korean legal framework if such foreign invested companies did not abide by local labor practices.

In the arbitration meeting, 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 birthday parties, employing resident nurses, and organizing healthcare seminars for women.

In particular, the company also published and distributed a booklet of Guatemalan labor laws in animated cartoon form so that even the illiterate workers were able to understand their rights and carry out their obligations.

- 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 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 labor union was expected to provide proof of membership directly to the Ministry of Labor. The Korean NCP found out that all other collective agreements in Guatemala had been made in the same process by the law. However they denied providing document to verify joining.

But Korean NCP asked the Guatemalan government and Korean embassy in Guatemala to arbitrate between labor union and management for a harmonious labor environment. Though there was no proof of 25% membership, Korean NCP made it possible to make a collective agreement and concluded this instance on July 2003.

b. Specific Instance in Korea: company named B

• An Overview

The Korean NCP received a report on Sept. 26, 2003 from Korean Confederation of Trade Unions and Korean Chemical & Textile Workers’ Federation (KCTF) regarding company B’s unfair labor behavior in Korea. The company B’s business sector is food processing. Two labor unions insisted that the company B violated article 7 of the OECD’s Employment and Industrial Relations Guidelines. We accepted this complaint on 20 October 2003 and concluded it on 10 May 2004.

IV. Employment and Industrial Relations - 7. Violation

<p>7. In the context of bona fide negotiations with representatives of employees on conditions of employment, or while employees are exercising a right to organize, not threaten to transfer the whole or part of an operating unit from the country concerned, nor transfer employees from the enterprises' component entities in other countries in order to influence unfairly those negotiations or to hinder the exercise of a right to organize.</p>

• Arbitration Activities of NCP and Resolution Efforts

- The labor unions registered a complaint at Swiss NCP as well as Korean NCP. The mother company of B has been located in Switzerland. Korean NCP sent an e-mail to Swiss NCP on 20 October 2003 hoping that the Swiss NCP examined whether or not it was true that headquarter in Switzerland directed company B to review the question of sustaining production facilities in Chungjoo, Korea and to study the legal procedures in case of closure of the factory. Also, we asked to continue exchanging information on this specific instance.

- Our NCP held consultation with relevant governmental departments to study how to cope with this situation on 22 October 2003.
- Separately from NCP's activities, Choongbuk Regional Labor Relations Commission mediated between labor and management. The labor union passed the Commission's compromise proposal by 77% approval on 28 November 2003 and restarted the operations from 3 December 2003. The company B decided not to transfer its factories.

The OECD guidelines presume the conflict between interested parties, which is the reason of NCPs' activities. In this instance, both parties made a common consent. Therefore this instance was closed automatically without any NCP decision or notification.

- On 23 February 2004, the labor unions urged us to handle this instance and asked the consultation among NCP, labor union and company B. Our NCP informed them of procedural closure that made the consultation unnecessary.
- On 9 April 2004, the labor unions continued to request for consultation and resolution of issues. Our NCP held the meeting with labor unions that was distinguished from a formal consultation to have a thorough grasp of their request on May 2004.

At this meeting they draw a conclusion the lack of promotion and clear handling guidance that made problems worse. They agreed make guidance more evident and promote it to MNEs in Korea aggressively.

c. Specific Instance in Bangladesh: Korean EPZ Corporation

• **An Overview**

On 20 April 2004, ITGLWF registered a complaint that Korean EPZ Corporation, of which spokesperson is a CEO of Korean company C, threatened the freedom of association in EPZ (Export Processing Zone).

The government of Bangladesh gazetted an official notice on January 31, 2001 to the effect that all workers in EPZs would have their rights restored, effective from January 1, 2004. But company C filed a writ in the Supreme Court of Bangladesh against the Bangladesh Authority and the Minister of Labor and Employment, challenging the legality of the Gazette Notification.

Further, the Korean EPZ Corporation lobbied to try to delay the implementation of worker's rights in the EPZs. Bangladesh agreed to extend the deadline, during which an agreement between Korean EPZ Corporation and AFL-CIO (American Federation of Labor and Congress of Industrial Organization) should be negotiated to enable freedom of association to be provided in the EPZs.

According to ITGLWF, this behaviors of the Korean EPZ Corporation violated article 1, 2, and 5 of the General Policies Section and article 1 a) of the Employment and Industrial Relations Section. We rejected this complaint on 19 May 2004 because there was no linkage between Korean EPZ Corporation and the denial of association freedom or violation of the OECD guidelines.

IV. Employment and Industrial Relations – 1 a) Violation

Respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employer's associations, with such representatives with a view to reaching agreements on employment conditions

- **Arbitration Activities of NCP and Resolution Efforts**

- Korean EPZ Corporation is just a company established to “develop” a Korean Export Processing Zone in Bangladesh according to the mutual agreement in a summit meeting between Bangladesh and Korea.
- This organization has no linkage to denial of trade union in EPZ. It has not lobbied on behalf of EPZ investors to try to further delay the implementation of workers’ and union’s rights in the EPZ.
- Instead of this corporation, “Investors Committee” was organized to handle the matters of improving investment climate esp. ensuring smooth transition toward the freedom of association in export processing zones under Bangladesh EPZ Agency. It is consisted of 13 executive members from 7 countries including Korea, Japan, and UK. Its leader is a Korean CEO of company C that is one of the biggest foreign investor in Bangladesh.
- Therefore, we decided to reject their complaint and replied that the Korean EPZ Corporation had no relevancy to their allegation on 19 May.
- Company C was just one of the companies that brought an action against the government of Bangladesh. This case was decided in favor of the company C, which made the implementation of gazette notification reserved. The government of Bangladesh should have end the ban on freedom of association not by gazette notification, but by law for legal stability.
- The local government also admitted the lack of legal stability and was preparing the law for freedom of association in the EPZ. This law would reflect the most interested parties’ opinions (the Investors Committee and AFL-CIO).

d. Specific Instance in Malaysia: Company named D

- **An Overview**

- On 20 May 2003, Malaysian Trades Union Congress (MTUC) submitted a complaint regarding the activities of the company D, which is based in Korea and does business in wire rope manufacturing. The company D continued to deny recognizing the union and refusing to commence collective bargaining. According to MTUC, company D violated the provisions of Section IV Employment and Industrial Relations.

- **Arbitration Activities of NCP and Resolution Efforts**

- Our NCP couldn't receive MTUC's complaint by e-mail on May 2003. We could receive its complaint on April 2004.
- We started a preliminary investigation to make an initial assessment of whether the issue merited further examination and to respond to the party raising it. But it was very difficult to investigate this issue arisen abroad. It took a lot proceeding an investigation.
- The most important thing was whether the trade union at company D was organized legally and whether it has existed until now. According company D, a small minority of employees used majority of employees' private seal surreptitiously. The company insisted that the union membership was not true and it obtained through illegal means. Therefore the trade union doesn't exist legally. Further, majority of employees resigned from the union.
- The company D lodged a complaint against the decision of union recognition by Minister Human Resource with the police. And it filed an application in the High Court to set aside the Minister's order granting recognition to union. The High Court and police have not made a decision on company's application. According to Malaysian law, any actions to solve this problem cannot be taken until the police make a conclusion about this problem.

Our NCP have to wait the decision of the High court and police to harmonize with the local proceedings.

D. Others

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

LATVIA / LETTONIE

A. Institutional Arrangements

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The OECD Consultative Board - Interministerial body including representatives of business & labour organisations,

- Bank of Latvia
- EU External Economic Relations Department,
- Ministry of Foreign Affairs
- Ministry of Economics
- Ministry of Environment
- Ministry of Finance
- Ministry of Welfare
- The Bank of Latvia
- Latvian Confederation of Employers
- Association of Free Trade Unions

The members of the OECD Consultative Board representing various ministries, the Bank of Latvia, business and labour organisations.

The OECD Consultative Board holds regular consultations with the governmental institutions involved as well as social partners.

The Secretariat of the OECD Consultative Board is directly responsible for the coordination of the activities related to the CIME Committee. The Secretariat is located in the EU External Economic Relations Department, MFA

B. Information and Promotion

The Guidelines (basic texts) are available electronically on the sites of the MFA (<http://www.mfa.gov.lv>) and Latvian Investment and Development Agency (LIDA) (<http://www.lida.gov.lv>).

The Guidelines and the relevant decisions of the OECD Council have been translated in the Latvian language.

The LIDA plans a seminar in order to promote information on the Guidelines and NCP.

LITHUANIA / LITUANIE

A. Institutional Arrangements

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

B. Information and Promotion

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

The *Guidelines* are available by following means:

- The *Guidelines* are translated into Lithuanian;
- The web page for the NCP is created in the web site of the Ministry of Economy (<http://www.ukmin.lt>). 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.)?*

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.

National Stock Exchange of Lithuania published The Corporate Governance Code for the Companies Listed on the National Stock Exchange of Lithuania. Though the scope of the Code is different from the scope of the *Guidelines*, its Preamble states the commitment to the guiding ideas of the *Guidelines*.

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

The Seminar on the Employment, organised by the NCP in collaboration with the Ministry of Social Security and Labour, will be held on 2nd of July. The agenda covers two aspects of employment by multinational enterprises: the legal background and the recommendations addressed by government by Chapter IV of the *Guidelines* “Employment and Industrial Relations.

- *Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair’s Summary (“Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward*

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

No update.

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

No.

C. Implementation in specific instances

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

D. Other

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

Seeking to fulfil the core criteria for the operation of NCPs, the Lithuanian has made Guidelines and other information on recent developments in concern as well as Regulations of National Contact point available on the web page.

- *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:

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

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

B. Information and Promotion

For 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 from manufacturing sector (hereafter referred as the company), bought two companies in Mexico, one of them Compañía Hulera Euzkadi (located in El Salto, Jalisco), which had been operating in Mexico since 1932.

On December 16th 2001, Continental Tire made the decision to close its plant in El Salto, Jalisco. According to the Continental Tire Annual Report of 2001, the company and the workers from the trade union called Sindicato Nacional Revolucionario de Trabajadores de la Compañía Hulera Euzkadi (hereafter referred 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, after a legal process conducted through the Junta Federal de Conciliación y Arbitraje (authority in charge of federal labor disputes), the strike was considered legal. The company appealed to a higher court, which will settle the dispute during the coming weeks. Despite the fact that the strike was considered legal it does not mean that the plant had been closed in a manner inconsistent with legal requirements.

Additionally, the trade union proposed to the company to sell the plant situated in El Salto to Mexican investors to become the plant in a workers' cooperative. A feasibility study developed by experts from Universidad Autónoma de Chihuahua, a public university chosen by the trade union to develop the study, concluded that it is not feasible to manage the plant according to the proposal submitted by the trade union. Nevertheless, Continental is considering the proposal.

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. In addition, we have been in touch with the NCP of Germany to exchange and to update information on this case.

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 participated in meetings and conferences with the public in general, including workers and students, interested in learning 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).

Ministry of Economic Affairs
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 tel. 070-379 6378
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ncp@minez.nl
 Chair: Marinus Sikkel;
 Secretariat: Jeannette Baljeu

The NCP is an interdepartmental committee. All ministries of The Netherlands are invited to attend the meetings of the NCP. The NCP holds regular 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

To promote the guidelines the ministry of economic affairs hosts a website (www.oesorichtlijnen.nl). The translation of the guidelines is available on the site. Reports of specific instances are published on this site as well.

For 2003 a promotion plan was made. Unfortunately due to priority to specific instances and other CSR issues the resources for promotion of the guidelines were scarce. Although promotion is always at the attention of the Dutch NCP it seems to be one of the first activities to cut in periods of work pressure. Regarding promotion the following activities can be high lighted:

- Promotion of CSR and the OECD-guidelines by Ministers from several departments (Economic Affairs, Development Cooperation, Social Affairs and Employment)
- Participation of the NCP chair in national and international events. Seminars of the financial business sector had special interest. This sector is regarded to be one of the most interesting sectors to raise the CSR issue with companies, as their influence on business is very strong.
- The guidelines were promoted among business during the trade missions of the Minister of Foreign Trade.
- The annual studytour of the "young policy advisors" of the Ministry of Economic Affairs took place in India. CSR discussion with Dutch companies in India and Indian companies were part of the agenda.
- Cooperation with other stakeholders is part of the facilitating role that the Dutch government has in the field of CSR. This year cooperation with GRI was further developed. Cooperation

with the consumer organisation led to a guest speech of the Dutch NCP chair during the annual meeting of world consumer organisations – Consumer International.

- Regular meetings with stakeholders provide the possibility for all to inform each other about concerns and activities of the OECD-guidelines and the NCP.

C. CSR in the Netherlands/ Implementation in specific instances

CSR is still an issue of interest to government, business and civil society in the Netherlands. This year the discussion in public was focused on transparency and chain responsibility.

- The Advisory Board for Annual Reporting published a guidance on CSR reporting for business. Their recommendations confirmed the voluntary nature of CSR but gave further guidance/ tools for reporting on CSR.
- Special interest was given to the fight against poverty in the world. What role can companies play as foreign direct investors in developing countries? This was the subject of a seminar jointly organised by the Ministry of Economic Affairs and the Ministry for Development Cooperation. The seminar had a strong attendance from the business community.

Specific issues at the NCP.

Since the revision of the OECD-guidelines in may 2000, the NCP has taken up eleven specific instances. Of the instances that were still under the NCP procedure of the former reporting periods, five have been finalised in this period. One instance was raised in this reporting period and was also finalised in this period. In conclusion the NCP finalised 6 specific instances in this reporting period. The NCP is working on publishing the statements on the website.

Finalised instances under the NCP in this reporting period (6):

Two instances have been raised by the Labour Unions on the behaviour of companies in Burma.

- In the first instance, the parties involved were FNV and CNV (labour unions) who raised an issue about the behaviour in Burma of IHC Caland (an engineering/construction/shipbuilding company). In the tripartite meeting Unions and IHC Caland agreed that they would look for ways to address the situation in Burma and look for possible action that can be taken to implement the OECD-guidelines. One of the activities resulting from this corporation was the decision by IHC CALAND to visit the Burmese ambassador in London. A representative of the labour union FNV (representing also CNV) was present at the meeting. In the meeting IHC CALAND expressed its concern about violation of human rights and of the use of forced labour, as several international organisations had established. After being encouraged by the Dutch Minister of Foreign Trade IHC CALAND announced in April 2002 that it would not undertake any new activities in Burma. More information will soon be available in a NCP joint statement. (www.oesorichtijnen.nl - nationaalcontactpunt/verklaringen)
- The second instance concerned the tourism section. The issue was raised in light of the activities of some tourism organisations despite the discouragement policy of the Dutch government on activities in Burma. Central question for the NCP in this specific instance was

the investment nexus. The CIME confirmed last year that the instrument of implementation of the OECD-guidelines is applicable only if there is an investment nexus. After several meetings with the relevant parties in this specific instance it was decided that there was no investment nexus. The specific instance was therefore in retrospect denied. However, during the meetings some interesting information had been put forward by all parties. This resulted in some recommendations for companies and the Dutch government to clarify their policy on Burma. The recommendations can be found on the NCP website www.oesorichtlijnen.nl – national contactpunt/verklaringen

- One instance has 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. The Labour Union withdrew their question in January '03, in relation to successful negotiations of a social plan. The Labour Unions also raised the question whether government should raise the issue at the NCP. The Ministry of Economic Affairs, as interested party, considered that it has other ways than the NCP to discuss such an issue with a company. The specific instance was not considered to be finalised as the NCP still had to give a statement. This statement will be published on the NCP website www.oesorichtlijnen.nl – nationaal contactpunt/ verklaringen.
- 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. After the confirmation on the intent of the guidelines of the CIME (April '03) the NCP came to the conclusion that it should decline the specific instance in retrospect.
- 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 acted as a mediator/facilitator for the Chilean NCP due to the involvement of a Dutch NGO and a Dutch company. The report of the Chilean NCP was very thorough and denied most of the allegations made by the NGO. As the newspapers had showed considerable interest in the issue when it was raised, the company wanted to meet with the Dutch NCP to discuss how this matter had been addressed by the Dutch NGO and the media. The positive outcome of the report for the company was not mentioned in the media. The Dutch NCP will publish the report on the NCP website. (www.oesorichtlijnen.nl nationaal contactpunt/verklaringen). The instance is now considered to be closed for the Dutch NCP.
- One instance on the supply chain was raised by the Dutch NGO's Niza and Novib. The NGO's raised the issue following up on the UN-report on the DRC. After several meetings with the NGO and the Dutch company CPH (Chemie Pharmacie Holland) the NCP decided that the instance should be declined due to the lack of investment nexus. The company was willing to work on joint conclusions of the meetings were some recommendations to the company would be mentioned. The NGO did not agree with the lack of investment nexus and pulled out of the NCP procedure. Therefore a joint statement was not reached. The NCP published a statement on the NCP website (www.oesorichtlijnen.nl – nationaal contactpunt/verklaringen).

- One instance is still under consideration of the NCP. The instance concerns the treatment of employees in the process of financial closure of a company (august '02). The trade union has been heard. The NCP is in contact with the legal representative to get more information. As the company now no longer exists it is difficult to find the information of the closure of the company.

An overall view of all the specific instances raised with the Dutch NCP will be put on the website www.oesorichtlijnen.nl

Procedure of specific instances

The NCP noticed last year that there was need for stronger time-management of the specific instances. This resulted in an agreement with all stakeholders where some guidance was given to the NCP secretariat. Whereas the specific instance itself can not be managed within a specific time limit some procedures during the instance can. The secretariat agreed to send draft minutes of meetings within two weeks after the meeting for parties to agree upon. And if necessary a date for a next meeting would be announced within two weeks after the last meeting. Much time is needed to reach a common statement of all parties involved. However the Dutch NCP feels it is useful to try and reach such a common statement.

NEW ZEALAND / NOUVELLE-ZELANDE

A. Institutional Arrangements

No update is required for Annex 1. For Annex 2, the e-mail address of the NCP has been changed to: <http://oecd-multinat.med.govt.nz>.

- *What is the composition of the NCP?*

The New Zealand National Contact Point comprises officials in 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 meets two or three times a year.

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

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

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

- By supplying information about the Guidelines to all departments and asking each department to ensure its officials are aware of the Guidelines and incorporate them appropriately in the department's policies, processes and business.
 - By asking each department to conduct a comparison of the Guidelines with the areas of national law for which that department is responsible.
 - 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.

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.

A. Information and Promotion

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

The Guidelines are available in written and electronic form from the NCP. The NCP's website includes a link to the Guidelines. 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 the Guidelines to their stakeholders and work towards a co-operative approach to the Guidelines. The NZ Council of Trade Unions channels 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 will continue to make direct approaches to and have discussions with particular members of the business community, NGOs and the interested public as appropriate. 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 has discussed the Guidelines with relevant government organisations (Overseas Investment Commission, New Zealand Trade and Enterprise, NZAid), which have included links to the Guidelines on their websites.
 - The NCP has delivered presentations on the Guidelines to interested parties, such as NZAid and the New Zealand Bankers' Association.
 - The NCP has distributed information packs about the Guidelines to seminar attendees and other interested parties.
 - A comparison of the Guidelines has been carried out against national laws, to identify any possible areas of conflict (none) or areas where the Guidelines impose greater requirements than national laws.
 - The NCP continues to update and extend its website and promotional material. A one-page glossy pamphlet on the Guidelines has been prepared and distributed at conferences and as occasion arises.

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 and the public. 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.

Implementation in specific instances

- *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.

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 received. The NCP can be contacted by telephone, e-mail, fax or post.

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

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

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

The NCP'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 from stakeholders. The NCP will continue to further such an approach, particularly through the Liaison Group.

NORWAY / NORVEGE

A. Institutional Arrangements

Unchanged

B. Information and Promotion

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

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

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

Co-operation is carried out through the NCP.

- *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 presentation of the Guidelines was given at a meeting of the Consultative Body for Human Rights and Norwegian Economic Involvement Broad (KOMpakt).

- *Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.*

No update.

- *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?*

One enquiry from a student.

C. Implementation in specific instances

No specific instances were raised with the Norwegian NCP during the June 2003-2004 cycle

D. Other

The Government has proposed new ethical guidelines for the management of the Government Petroleum Fund. The exercise of ownership rights for the Fund will be based on the UN's Global Compact and the OECD Guidelines for Corporate Governance and for Multinational Enterprises.

(http://www.statsbudsjettet.dep.no/2004_revidert/english.asp?id=41#m)

POLAND / POLOGNE

A. Institutional Arrangements

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

Polish Information and Foreign Investment Agency
Ul. Bagatela 12, 00-585 Warsaw
Tel: (48-22) 334-98-75
Fax: (48-22) 334-99-99

There have been changes in the location of the Polish National Contact Point within the structure of the Polish Information and Foreign Investment Agency. Polish Information and Foreign Investment Agency was created in result of a merger of the former Polish Investment Promotion Agency (Polish Agency for Foreign Investment, where the NCP was previously located) and the Polish Information Agency. The National Contact Point was firstly located in a newly formed Department for Information, but then it proved to be more reasonable to change its location to the Investors' Servicing Department. It was hoped that such a positioning would help the NCP to stay in a closer contact with Foreign Investors serviced by the Polish Information and Foreign Investment Agency.

As regards NPC's activities Polish NPC reports to the Ministry of Economy and Labour (where it was located before 2001) and which allocates financial resources to PAIiIZ.

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

B. Information and Promotion

The Guidelines for Multinational Companies are translated into Polish and are available in several ways. First of all, it is possible to find them on the website of the Polish Information and Foreign Investment Agency website. The website has a special part for the NCP. It describes NCP's role and provides the reader with a short introduction to what the Guidelines are. The Agency has been working for several months on a new user friendly website. The site is translated into several languages and therefore the information on the activities of the NCP are now available in: Polish, English, French, German and Japanese. It is possible to download the Guidelines in Polish and there is a link to the Guidelines in English on the OECD website.

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

Polish NCP stays in contact with the business community and trade unions. Its informational activities are conducted according to the core criteria for the operation of NCPs. Each time the NCP is approached by a business partner, it promotes the Guidelines. NCP answers numerous

questions from the business community and trade unions. They concern both the Guidelines and the procedures and matters connected with special instances. Co-operation with the public includes contact with individuals such as employees of embassies and ministries, consulting firms, students of law and economics and individuals interested in the activities of the NCP and the Guidelines.

The NCP was promoting the Guidelines to individuals and people representing the business community. This kind of promotion comprised distributing the booklets with Guidelines and answering to enquiries about them and the role of the NCP. Polish NCP has received enquiries from employee organizations, companies, embassies and the public through telephone, as well as e-mails and in direct contact in the Agency as well as on the Hannover Fairs in April, in which PAiIZ took part. Enquires concerned the Guidelines and the 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 in the Guidelines.

C. Implementation in specific instances

The NCP received information about a specific instance from a representative of a trade union in an international company from the security services sector. The information sent was an article from the trade union periodical about a situation in the company. The specific instance cited the IV chapter of the Guidelines. The company was accused of: not finding it crucial to consult the representatives of workers about its decisions, bad co-operation with the trade union, not answering to letters from the trade union representatives, not meeting them and of seeking for reasons to dismiss most active trade unions members. It is therefore possible that this special instance involves such regulations of the IV chapter of the Guidelines as: not engaging in constructive negotiations with a view to reaching agreements on employment conditions (Part IV, 1. a), not providing information to employee representatives which is needed for meaningful negotiations on conditions of employment (Part IV, 2.b), not promoting consultation and co-operation between employers and employees and their representatives on matters of mutual concern (Part IV, 2.c). However, the charges described in the letter were rather general and were not explained during a telephone conversation. As no further information were provided and the case was temporarily suspended and therefore the results were not communicated to the public.

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

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 thoroughly informed about the Guidelines and facilities associated with the NCP. The NCP responded to all legitimate requests for information and enquires.

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 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. NCP had to explain Trade Unions that the Guidelines do not over-ride and are not a substitute to the Polish law.

PORTUGAL

A. Institutional Arrangements

ICEP Portugal is the Portuguese Contact Point, located in Lisboa:

Av. 5 de Outubro, nº 101; 1050-051 Lisboa, Portugal.

Tel. +351 808 214 214 // +351 217 909 351 //

Fax +351 217 909 577

Emails: icep@icep.pt / paula.rod@icep.pt

Web: www.icep.pt/empresas/dirempmulti.asp

This public institute responds directly to the Minister of Economy.

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

B. Information and Promotion

- Most of the information provided by ICEP Portugal on the Guidelines for Multinational Enterprises was recently updated and afterwards translated and made available in its official website. Moreover, leaflets were re-edited and distributed in seminars for business, labour and civil community.
- The Portuguese Contact Point is focused on the observance of the Guidelines. Therefore, steps were taken in order to instigate a major contribution of the national business community, namely the Portuguese investors abroad, who are becoming quite aware of their importance.
- In terms of promotion there are plans under way to develop linkages with entrepreneurial representatives and social partners aiming at reinforcing the effectiveness of guidelines implementation, as a way of good governance, namely by increasing their involvement in the organization of events and carrying out activities together with the NCP.

- No enquiries were received from other bodies.

C. Implementation in specific instances

- There was a request to investigate a possible violation of the Guidelines. The Portuguese NCP made an initial assessment of whether the issue under analysis merit further examination, as stated in the procedural guidance (C.1) and decided that there were no grounds for invoking violation.
- Chapter IV was the chapter at stake – duty of information and collaboration in case of closure.
- The results were communicated to the requester.

D. Other

- As an example of relevant activities recently carried out aiming at providing information on the Guidelines, as well as encouraging its observance, it should be named the specialised data made available in the Portuguese NCP web site (*vide ut supra*).

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

National Contact Point of the Slovak Republic – NKM SR
Odbor hospodarskej strategie
MH SR, Mierova 19
827 15 Bratislava
Phone: +421-2- 48541610
Fax: +421-2-48543613
E-mail: aradyova@economy.gov.sk
Web site: www.economy.gov.sk/files/SmernicaOECDpreNKM/smernice.doc

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

NKM SR has no direct link to other government agencies.

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

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

B. Information and Promotion

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

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

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

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

C. Implementation in specific instances

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

Specific instances considered by NCPs to date

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.

D. Other

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

SLOVENIA / SLOVENIE

A. Institutional Arrangements

There has been no change since 2003. Slovenia has formally established “National Contact Point” within the Ministry of the Economy and is committed to the success of the Guidelines. The promotion and use of the OECD Guidelines for Multinational Enterprises is part of Slovenian policies on Corporate Social Responsibility and on trade.

The Department for multinational economics follows the work of the OECD Investment Committee. The delegate to CIME is Ms Helena Brandner.

Ms Helena Brandner
Spokesperson
Ministry of the Economy
Kotnikova 5
1000 Ljubljana

tel: +386.2.234.1035 or +386.1.147. 3553

fax: +386.2.234.10.50

e-mail: Helena.Brandner@gov.si / slonkt.mg@gov.si

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

No specific conclusion has been made, yet.

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

The Delegate to the CIME ensures the coordination and information of all other relevant Ministries. Reports of CIME meetings are circulated to all interested parties.

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

There has been some 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.

- *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 “National Contact Point “ information and OECD website has been created on the Ministries website : <http://www.mg-rs.si/> , Member States’ 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.)?*

There were no specific events, except regular meetings with Chamber of Commerce to establish common body for Guidelines consultations and common action for promotion.

- *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

- *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

The Slovenian NCP does not handle any cases. However, Slovenia is committed to the success of the Guidelines process and has contributed to the questionnaire on NCPs procedures.

SPAIN / ESPAGNE

A. Organisation institutionnelle

- *Où est le PCN?*

Le PCN espagnol est actuellement situé au:

Secrétariat Général pour le Commerce Extérieur
Ministère de l'Industrie, du Tourisme et du Commerce
Paseo de la Castellana, 162
28046 Madrid

- téléphone: 91 349 38 60
- fax: 91 457 28 63
- e-mail: pnacional.ssc@mcx.es

Les annexes 1 et 2 de ce rapport ont été modifiées.

- *Quelle est la composition du PCN?*

Le PCN est un service unique du Ministère de l'Industrie, du Tourisme et du Commerce.

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

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

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

Les partenaires sociaux (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 antérieurs il avait été annoncé que les Principes directeurs avaient été traduits à l'espagnol et qu'une page web sur le site du Secrétariat Général pour le Commerce Extérieur 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.

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

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

Comme déjà indiqué dans les rapports précédents, la coopération s'organise par le biais de réunions du PCN auxquelles sont invités les partenaires sociaux (milieux d'affaires, syndicats) et des ONG, ainsi que des représentants de quatre autres ministères.

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

Le PCN a fourni aux Offices Économiques et Commerciaux des Ambassades d'Espagne des brochures contenant le texte des Principes directeurs afin que tout demandeur d'information pour investir à l'étranger en soit informé.

Il est de même intervenu dans les cours de formation des Conseillers Économiques et Commerciaux pour leur fournir des renseignements plus détaillés sur les Principes directeurs.

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

Voir l'annexe modifiée.

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

Non.

C. Mise en oeuvre dans des circonstances spécifiques

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

Le 4 mai 2004.

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

Le PCN a été saisi par des représentants syndicaux.

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

Chapitre IV - Emploi et Relations professionnelles.

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

Oui.

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

Services financiers.

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

Le cas est à un stade initial et n'a pas encore été admis ou rejeté.

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

Cas non conclus.

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

Sans objet.

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

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 établies avec d'autres Ministères, les partenaires sociaux et des ONG.

SWEDEN / SUEDE

A. Institutional Arrangements

Composition

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

Participants in the NCP:

- Foreign Ministry:
- International Trade Policy Department
- Department for Global Development
- International Law and Human Rights Department
- Department for Global Security
- Ministry of Industry, Employment and Communications
- Ministry of Environment
- Ministry of Justice (consumer interests)
- National Board of Trade

Organisations:

- Swedish Metal Workers' Union (Metall)
 - SIF - Swedish Union of Clerical and Technical Employees in Industry
 - Swedish Confederation of Professional Employees (TCO)
 - Swedish Trade Union Confederation (LO)
 - Swedish Confederation of Professional Associations (SACO)
 - Confederation of Swedish Enterprise (Svenskt Näringsliv)
 - Swedish Federation of Trade (Svensk Handel)
- *The NCP relation to other government agencies*

No changes since last year.

The NCP is open for participation from any interested agency. Through the initiative Swedish Partnership for Global Responsibility (which aims at promoting the OECD Guidelines and the principles set forth in the UN Global Compact) an ongoing dialogue is held with several government agencies on issues relating to the OECD Guidelines.

In 2001, a meeting was organised specifically to discuss the OECD 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 Material Administration, Swedish Environment Protection Agency, The 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, The Knowledge Foundation, Swedish Agency for Innovation Systems.

- *Involvement of social partners (business community and employee organisations)*

No changes since last year.

The principal parties are involved in the NCP.

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

Since the launch of the Swedish Partnership for Global Responsibility in 2002, NGO's have shown an increased interest in the OECD Guidelines and the work of the NCP. Due to two specific instances that were raised in February 2003, a number of formal as well as informal contacts have been taken place between the NCP and NGO's. An information meeting with NGO's are scheduled for the 10th of June 2004.

Members of the NCP regularly attend seminars and conferences where they inform about and discuss the OECD Guidelines and the work of the NCP with NGO's. For example, the chairperson of the NCP participated as panellist in an event organized by two Swedish NGO's aiming at discussing the OECD Guidelines in relation to international law in May 2004.

B. Information and Promotion

- *The availability of the OECD Guidelines in Sweden*

1. The OECD Guidelines and selected parts of the commentary have been translated into Swedish and fitted into a handbook. The handbook has been printed in 10 000 copies and have been distributed to all Swedish embassies, the Swedish Parliament, the members of the organisations represented in the NCP and to various interested organisations and companies and on request. All companies applying for officially supported export credit guarantees are also given the handbook.

The handbook is posted on the Swedish Partnership for Global Responsibility's web page where there are also links to the UN Committee on International Investment and Multinational Enterprises' (CIME's) web page and to the OECD Guidelines and the commentary in Swedish and English.

2. The handbook and a short information note on the OECD Guidelines have been available at the seminars organised by the Swedish Partnership for Global Responsibility. Since the launch of the Partnership in March 2002, 21 seminars have been held. The seminars are attended by an average of 100 representatives from a wide range of actors, for example from the business sector, NGO's, the Government Offices and trade- unions.

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

1. The Swedish NCP is a tripartite body constituted of representatives from the business sector, trade unions and the government. Meetings in the NCP provide valuable input for the position of Sweden to the CIME and the co-operation is fundamental for the promotion of the OECD Guidelines.

The Swedish NCP held five formal meetings between June 2003 and May 2004. The meetings were held in preparation for the CIME-meetings, but addressed as well various other issues related to ongoing national and international Corporate Social Responsibility (CSR) activities.

2. Swedish Partnership for Global Responsibility

The Swedish Government actively encourages Swedish business to behave responsibly by striving to comply with the OECD Guidelines. The "Swedish Partnership for Global Responsibility" was launched by the Prime Minister in March 2002 and is an effort to encourage Swedish companies to become ambassadors for human rights, core labour standards, anti-corruption and a sound environment, all over the world. The point of departure is provided by the OECD Guidelines and the 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 other Departments and Government Agencies. The aim is to bring clarity to the debate on CSR, highlight good examples, bring different actors and stakeholders together as well as assist individual companies.

The Secretariat carries on intensive information work on e.g. international developments in CSR, international systems of rules and conventions and practical experience and research results. The Secretariat is also organising and facilitating a wide range of activities such as counselling, in-house training, network building, seminars and workshops. 21 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 OECD Guidelines are a very effective tool in this context.

Companies can join the Swedish Partnership for Global Responsibility by in writing expressing a will to support and strive to fulfil the OECD Guidelines and the 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. This year six new companies joined; Sweco, Banco, V & S Group, Lernia, Apoteket and Akademiska Hus, in addition to the nine companies who joined before: ICA, Löfbergs Lila, The Body Shop, Folksam, H&M, OM AB, ITT Flygt, Vattenfall and KPA. In total there are today fifteen members of the Swedish Partnership for Global Responsibility.

- 3 In collaboration with the World Bank, Sida, International Business Leaders Forum (IBLF), International Institute for Environment and Development (IIED) the Swedish Minister for Development Cooperation hosted the international conference "Development Cooperation and Corporate Social Responsibility - exploring the role of development cooperation agencies" on the 22-23 March 2004. Over 150 delegates attended the conference. One of the speakers was the Chair of CIME, Mr Marinius Sikkel. The report from the conference is available on www.ud.se/ga.
- 4 In May 2004 one member of the NCP and its chairperson participated in the yearly Nordic NCP meeting in Reykjavik.

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

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

1. The Chairperson of the NCP has participated in a range of activities to talk about the Government's role in promoting CSR and how the OECD Guidelines can be an effective tool in this context.

For example the Chairperson participated as speaker in a high-level international workshop on the follow-up to the World Summit on Sustainable Development commitments on CSR at the Royal Institute of International Affairs, London, in April 2004. In November 2003 the Chairperson held a presentation about the role of the Swedish Government in promoting CSR including the OECD Guidelines and the role of the NCP during a "Swedish week" organised by the Swedish Embassy in Bogotá, Colombia.

2. Parties of the NCP are actively engaged in promoting the OECD Guidelines as a part of their regular activities. For example the Confederation of Swedish Enterprises have a prize for the best sustainability report and The Swedish Association of Graduate Engineers (CF) has initiated an environmental prize to be declared every year. The Swedish Trade Union Confederation has been promoting the OECD Guidelines i.e. through the work within their international committee.
3. The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on bribery, the OECD Guidelines for Multinational Enterprises' (MNE's) and the Swedish Partnership for Global Responsibility.
4. The ambassador for the Swedish Partnership for Global Responsibility held a presentation about the Partnership and the OECD Guidelines at the EU Italian Presidency's conference on CSR in Venice, November 2003.
5. Sweden has financed a study on the Synergies between the OECD Guidelines for MNE:s and the Global Reporting Initiative (GRI) 2002 Sustainability Reporting Guidelines. The study can be found on www.ud.se/ga.
6. The Swedish Government has an explicit policy that it should promote sound business behaviour within state-owned companies. In December 2003 the Minister for Industry and Trade sent out a questionnaire to 34 out of 59 state-owned companies, asking them about their work related to the implementation of the OECD Guidelines and the principles of the UN Global Compact. The questionnaire will be followed up by a seminar on 1st of June 2004.
7. By informal and formal meetings, efforts have been made to raise the awareness of the Swedish Partnership for Global Responsibility and the OECD Guidelines within the Government Offices. An informal intergovernmental working-group has been set up, headed by the ambassador for the Swedish partnership for Global Responsibility.

- *Have enquiries been received from (a) other NCP:s; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?*
- a) No specific enquires have been received from other NCP's.
- b) Many. In particular since the launch of the Swedish Partnership for Global Responsibility in March 2002 and after the two specific instances was received in February 2003. NGO's, academic institutions, media and others have contacted the NCP to learn more about the OECD Guidelines and the role of the NCP. The Minister of Trade has also answered inquiries from the Parliament regarding the implementation of the OECD Guidelines and the role of the NCP as an instrument for securing Swedish companies compliance with the OECD Guidelines.
- c) No.

C. **Implementation in specific instances**

- *Date request to consider specific instance was received.*

On 17 February 2003, the Swedish National Contact Point for OECD Guidelines for multinational enterprises (NCP) received two specific instances concerning the operations of Sandvik and Atlas Copco in Ghana.

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

The two NGO's Attac Sweden and Friends of the Earth Sweden raised the two specific instances together.

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

II. General Policies 1, 2, 10

III. Disclosure 2

V. Environment 1abc, 2ab, 5, 6abc, 8

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

Yes, Ghana.

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

The mining industry.

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

The NCP initiated a fact-finding phase in order to find out more about the situation.

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

June 2003.

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

The NCP issued a statement which was posted on the Governments website. See annex 1.

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

The NCP examined the specific instances in accordance with the procedural guidance for handling individual cases in countries that are not members of the OECD. Since the material submitted by the organizations reporting the matter was incomplete, the NCP collected information on the issues raised. The NCP studied information submitted by the enterprises concerned, the Swedish Metalworkers' Union and the Embassy of Sweden in Nigeria. In addition, NCP acquainted itself with additional information from; inter alia, a Ghanaian NGO, the Wassa Association of Communities Affected by Mining.

NCP held five extra meetings with reference to the specific instances. In addition, separate meetings was held with the organizations that submitted the specific instances and the enterprises concerned, as well as a joint information meeting with all parties. The two enterprises and the Swedish Metalworkers'

Union traveled to the area to investigate the situation.

All members of the NCP agreed upon the statement.

D. Other

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

Visibility: The Swedish Partnership for Global Responsibility has been of great importance for the promotion of the OECD Guidelines and it is clear that the interest among Swedish companies, trade unions, NGO's and others are intensifying.

Whenever the chairperson of the NCP participates in seminars and conferences she informs about the OECD Guidelines, the NCP and the possibilities these give.

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

Accountability: The close collaboration between different actors within the NCP assures that different interests are being considered in the work of the NCP.

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

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

No.

Annex 1

Statement from the Swedish National Contact Point for OECD

Guidelines for multinational enterprises with reference to specific instances received concerning Atlas Copco and Sandvik

On 17 February 2003, the Swedish National Contact Point for OECD Guidelines for multinational enterprises (NCP) received two specific instances from Attac Sweden/Friends of the Earth Sweden concerning the operations of Sandvik and Atlas Copco in Ghana. The organisations were of the opinion that the Swedish enterprises through business relations and active cooperation mainly with the two mining companies Ashanti Goldfields and Ghana Australian Goldfields, had not complied, inter alia, with the sections of the OECD Guidelines relating to human rights and environmental considerations in the areas where the mining companies operate.

Conclusion:

In the light of the information the NCP has had access to and collected, it is the NCP's view that Atlas Copco and Sandvik have not failed to comply with the OECD Guidelines in respect of human rights and environmental considerations. At the same time, the NCP encourages Sandvik and Atlas Copco to remedy the lack of knowledge of the contents of the OECD Guidelines at subsidiaries and among personnel on the spot in Ghana. Based on this and in view of the processes that have been initiated, the NCP draws the conclusion that no further processing of these cases is required.

Consideration of the matter and reasons for the conclusion:

NCP's main task is to spread information about and promote the use of the OECD Guidelines for Multinational Enterprises. Furthermore, it is NCP's duty to assist in solving problems that arise through discussion and dialogue with the parties concerned.

All Swedish enterprises should take responsibility for the effects of their activities no matter where in the world they operate. In developing countries, enterprises face special problems and challenges. NCP has examined the specific instances in accordance with the procedural guidance for handling individual cases in countries that are not members of the OECD. Since the material submitted by the organisations reporting the matter was incomplete, NCP has collected information on the issues raised. NCP has studied the information from the enterprises concerned, the Swedish Metalworkers' Union and the Embassy of Sweden in Nigeria. In addition, NCP has acquainted itself with additional information from, inter alia, a Ghanaian NGO, the Wassa Association of Communities Affected by Mining.

NCP has held five extra meetings with reference to the specific instances. In addition, separate meetings have been held with the organisations that submitted the specific instances and the enterprises concerned, as well as a joint information meeting with all parties. The two enterprises and the Swedish Metalworkers' Union travelled to the area to investigate the situation. During the time NCP has been engaged in the matter, several processes have been initiated, inter alia a dialogue between WACAM and the local mining companies.

The material reveals the environmental and social problems that exist in connection with mining in Ghana but also the existence of established processes in the form of a regulatory framework and judicial institutions to tackle these problems. However, these processes and institutions wrestle with the difficulties normally associated with developing countries such as, for example, insufficient resources and capacity.

NCP assesses that the roles of Atlas Copco and Sandvik in the individual cases is limited. In the light of the information the NCP has had access to and collected, it is the NCP's view that Atlas Copco and Sandvik have not failed to comply with the OECD Guidelines in respect of human rights and environmental considerations.

A question that has emerged in connection with these cases is how far the responsibility of multinational enterprises extends in relation to business partners and the host country's government. This matter is discussed in section 2:10 of the OECD Guidelines, which says that enterprises should "Encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the OECD Guidelines." An interpretation of how far responsibility extends under section 2:10 must be made from case to case and be based on the multinational enterprise's possibilities of influencing a business partner or a specific situation.

The information that has emerged indicates that Sandvik's and Atlas Copco's personnel on the spot did not have adequate knowledge of the contents of the OECD Guidelines. The NCP therefore encourages these enterprises to enhance knowledge of the OECD Guidelines both internally and externally.

Lastly, the NCP establishes that the specific instances received and subsequent processing were important for the promotion of the OECD Guidelines. A number of processes have been initiated, the results of which will hopefully be positive for social and environmental developments in the mining industry in Ghana and for Swedish enterprises' increased awareness of these issues.

Members of the following organisations are included in the Swedish National Contact Point:

Government Offices (Chairperson for NCP, Sofia Calltorp, Ministry for Foreign Affairs) the Swedish Trade Union Confederation, the Swedish Metalworkers' Union, the Swedish Union of Clerical and Technical Employees in Industry, the Confederation of Professional Employees, the Swedish Confederation of Professional Associations (SACO), the Confederation of Swedish Enterprise, the Swedish Federation of Trade.

SWITZERLAND / SUISSE

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)31 325 73 76
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. Lorsque des circonstances spécifiques sont soumises au PCN, un groupe de travail ad hoc est institué avec la participation des unités compétentes pour traiter des questions soulevées. En mars 2004, le fonctionnement et les expériences du PCN suisse ont été présentés et discutés lors d'un atelier organisé par le Secrétariat d'Etat à l'économie, auquel ont participé tous les ministères et offices concernés par la responsabilité des entreprises.

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

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

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. Ce site est en cours de réorganisation.

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

En 2003-04, les contacts entre le PCN et les organisations intéressées se sont intensifiés. Les Principes directeurs ont été présentés de façon détaillée lors de diverses manifestations publiques et privées. A plusieurs reprises, les Principes directeurs ont fait l'objet d'articles de presse, sur la base d'interviews donnés par le PCN ou de contributions de celui-ci.

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

Au cours de l'année passée, de telles activités 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 ?*

Des demandes nous sont parvenues d'un autre 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 pu à nouveau noter une augmentation certaine. 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

Outre plusieurs interventions du PCN à des étapes préalables, une circonstance spécifique est à signaler pour l'année 2003-04. Elle fait référence au chapitre IV des Principes directeurs (Emploi et relations professionnelles).

Ce cas a été soulevé dans le contexte d'un conflit du travail au sein de la filiale sud-coréenne de la société suisse Nestlé. Tant le PCN coréen que le PCN suisse ont été interpellés, et un échange d'informations entre les deux PCN a été institué. Des réunions ont été organisées par le PCN suisse qui, en novembre 2003, a reçu une délégation syndicale coréenne en visite en Suisse; la tenue de cette rencontre a été rendue publique par un communiqué de presse du PCN suisse. Peu de temps après, un accord réalisé en Corée entre les parties a mis fin à ce conflit du travail. Il reste à conclure formellement la circonstance spécifique.

Par ailleurs, dans un autre cas, une question d'applicabilité des Principes directeurs s'est présentée, qui concerne la condition de l'existence d'un élément international entre une entreprise multinationale et sa filiale. Cette question a été soumise au Comité de l'investissement pour interprétation.

D. Divers

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

Le PCN a continué de 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. Les informations concernant les Principes directeurs sur le site internet du Secrétariat d'Etat à l'économie sont en cours de réorganisation et devraient à l'avenir être à même de mieux servir les cercles intéressés.

- *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?*

The NCP has contacted the employer and employee organizations in Turkey that are members to BIAC and TUAC respectively and also an academic institution on “corporate governance” and a relevant NGO. All the abovementioned agreed upon taking active part for promotion of the guidelines.

B. Information and Promotion:

1. The Guidelines have been translated into Turkish.
2. The English and Turkish text 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 was printed within the year and will be 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 and UK NCPs in 2003 and whatever information available was collected by the NCP and was sent them.

UNITED KINGDOM / ROYAUME-UNI

A. Institutional Arrangements

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

UK National Contact Point
 Department of Trade & Industry
 Bay 357
 Kingsgate House
 66-74 Victoria Street
 London SW1E 6SW

T: 020 7215 4254

F: 020 7215 4539

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

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

The NCP is composed of DTI officials.

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

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

The NCP has held meetings with the Confederation of British Industry (CBI) and Trades Union Congress (TUC), for example it has met with the CBI International Investment Panel for an exchange of views on the Guidelines with leading UK-based companies of differing sizes and from a range of sectors. The NCP also has informal contacts with these organisations. These contacts have been of great benefit, particularly in promoting the Guidelines, and the NCP will continue to develop this fruitful relationship with social partners. The NCP holds regular multi-stakeholder roundtables hosted in the DTI to discuss progress on on-going cases and agree a process which the NCP will follow in the event of further complaints. The last of these roundtables was held in April 2004, we plan to hold another shortly.

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

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

B. Information and Promotion

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

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

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

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

OECD Watch also disseminates information about the Guidelines and the functioning of the NCPs. I believe it is intended that a website will shortly be set up. RAID is the contact point in the UK for OECD Watch (raid.oxford@ntlworld.com).

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

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

The DTI held a seminar entitled Exporting Excellence: Making British Business A By-Word For Corporate Social Responsibility And Anti Corruption in Birmingham on 31 January 2002. Copies of the Guidelines and the U.K. Contact Point Information Booklet were distributed to all attendees.

We plan, in the near future, to send a letter from 2 Government Ministers to all FTSE 100 companies to raise the profile of the Guidelines and remind the companies of the importance which the Government attaches to them.

UK NCP has kept its webpages updated and, since the last Annual Report, they have received an average of 920 hits per month (compared to an average of 782 hits per month the previous year and 485 the previous year). They are also used to seek views from interested parties on the Guidelines and NCP. The NCP has also received many e-mails to its dedicated e-mail account.

The UK NCP has continued to distribute its explanatory booklet aimed at providing an introduction to the Guidelines and the role of the NCP in promoting and implementing them. A total of 2600 copies have now been distributed. In addition the booklet is available electronically on the UK NCP web pages and had been downloaded 4211 times by the end of April 2004.

Other promotional measures include:

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

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

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

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

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

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

The UK NCP has received no enquiries from the governments of non-adhering countries.

C. Implementation in specific instances

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

Outline procedures have been put in place and publicised in the booklet and in the UK NCP web pages. The UK NCP has a process flowchart which gives broad guidance and timescales and the expected progress of any case. The purpose of this flowchart is to preserve confidentiality but increase transparency of the process. It was always intended that this would be amended as best practice was established. This seems likely by late summer 2004.

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

Yes. We currently have 3 cases, one of these potentially involves other NCPs. Additionally, the NCP has been dealing with issues arising from the UN Expert Panel's report. This has led to the NCP issuing a statement. One case, included in last years figures, has been settled.

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

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

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

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

D. Other

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

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

Accessibility: The UK NCP has widely advertised its telephone, fax and e-mail details, for example in the UK NCP booklet. The UK NCP has its own e-mail account

(uk.ncp@dti.gsi.gov.uk) so that it can be accessed by those working in the NCP rather than just one individual. Our average response time is less than two working days.

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

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

The UN Panel's report on the Democratic Republic of Congo has brought new challenges. Given the level of interest from civil society and parliament, there has been a good deal of Ministerial involvement in the process.

- *Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*
 - (i) On the promotion side the NCP has used a variety of ways of raising business awareness of the Guidelines directly, for example by participating in CBI events and stakeholder events organised by individual companies; by promoting the Guidelines as a useful tool for investment funds to judge the commitment of companies to ethical behaviour, an important component in risk management; and by including positive references to the Guidelines in high-profile UK initiatives such as those concerning Africa. In adopting this strategy of high-level statements and practical discussions the NCP hopes to increase the use of the Guidelines.
 - (ii) Establishing where the Guidelines 'fit in' with other international and national initiatives in the burgeoning area of corporate social responsibility continues to be a challenge. The NCP has promoted the Guidelines as making a fairly unique contribution given their Government endorsement, involvement of business, trade unions and NGOs, implementation mechanism, and comprehensive nature. The NCP has also taken care, though, not to 'oversell' the Guidelines: It is important that people know what they can and cannot do. In this respect the NCP has highlighted the positive uses that the Guidelines have such as benchmarking individual codes of conduct and facilitating dialogue, rather than the 'powers' that NCPs have in the event of an unresolved specific instance. In pursuing this agenda the U.K. has published a draft international strategic framework for CSR (http://www.dti.gov.uk/sustainability/weee/corp_soc_resp.pdf) and a Chatham House report "Following up the WSSD commitments on CSR" (<http://www.riia.org/pdf/research/sdp/WSSD.pdf>)
 - (iii) When including references to the importance of the Guidelines, for example in UK initiatives on the international stage, one of the natural ideas for promoting their use is to encourage other countries to adhere to them. The link between the Guidelines and other parts of the OECD Investment Declaration, i.e. they come as a package, has proved an obstacle, because the UK NCP knows that the vast majority of non-adhering countries would not be able to adhere to the Declaration as a whole, and cannot adhere only to the Guidelines.

- (iv) Areas where the Guidelines could be revised to be more relevant to the 'real world' are now beginning to emerge, particularly in the areas of human rights and conflict zones. These will need to be properly discussed in any future revision.

UNITED STATES / ETATS-UNIS**A. Institutional Arrangements**

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

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

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

B. 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/oecd/>). 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 have addressed 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. The Department of Commerce includes the OECD Guidelines in its training of 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 2003-June 2004 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' 2004 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.

- The OECD Guidelines for Multinational Enterprises were promoted in the October 2003 annual Secretary of State's Award for Corporate Excellence.
- Reference to the OECD Guidelines was part of a United States Government policy statement on corporate social responsibility delivered at the World Summit on Sustainable Development held in Johannesburg, South Africa on 26 August - 4 September 2003.
- The Assistant Secretary of the Bureau of Economic and Business Affairs met with representatives of The Frank Hawkins Kenan Institute of Private Enterprise in December 2003 to discuss a study on global corporate social responsibility and support from the Department of State. The OECD Guidelines featured prominently in the discussion. The Assistant Secretary also gave a Washington Post newspaper interview related to this matter.
- The U.S. NCP interagency committee also cooperated with The Kenan Institute's work on corporate social responsibility.
- Special Representative of the Department of State's Office of Commercial and Business Affairs promoted the OECD Guidelines in his speech entitled "Promoting Corporate Social Responsibility" delivered to The Conference Board Leadership Conference in Global Corporate Citizenship, held in New York 24-26 February 2004.
- The June 2003 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.

C. 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 2003-2004 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 three of our current specific instances, the U.S. NCP is cooperating and/or collaborating with one or more other NCPs working on the same or related instances.

With regard to the specific instance raised by a consortium of NGOs about the United Nations Panel of Experts' Report on Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, the U.S. NCP determined that no further involvement on the part of the U.S. NCP was warranted given the fact that the Expert Panel concluded in its October 2003 Final Report that all issues with U.S. companies had been satisfactorily resolved.

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

A. Institutional Arrangements

There has been no change since 2003. 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 Investment Committee. The delegate to CIME is Ms Corinne Dreyfus Politronacci, with Mr Hugh Pullen.

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

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).

B. Information and Promotion

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’ NCPs’ websites or e-mail addresses are also listed on the webpage.

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. http://trade-info.cec.eu.int/civil_soc/intro1.php.

Main vehicle for dialogue with civil society on Corporate Social Responsibility and the Guidelines in 2003 has been the EU Multi-Stakeholder Forum on Corporate Social Responsibility. http://forum.europa.eu.int/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/csr%20ems%20forum.htm (see below).

a) *The EU Multi-Stakeholder Forum on Corporate Social Responsibility*

In 2002, the Commission had 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 established the **European Multi-Stakeholder Forum** on CSR in October 2002 to exchange best practice and promote innovation in CSR. It brings together business and business federations, trade unions and NGOs representatives in four Roundtables, including one on the international dimension of CSR and sustainable development. The Plenary Forum also comprises representatives from the other EU Institutions.

The Forum has concluded its detailed work and is due to finalise its report by end June 2004¹. The development Roundtable has explored case-studies that showed how to implement CSR practices in developing countries, in cooperation with local communities, NGOs, trade unions, and local public authorities. The Roundtable on ‘Improving knowledge about CSR and facilitating the exchange of experience and good practice’ discussed specific instances presented by a new EU Member State representative. The two other Roundtables on ‘Fostering CSR among SMEs’ and ‘Diversity, convergence and transparency of CSR practices and tools’ also touched upon the OECD Guidelines issue.

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. After the Association Agreement between the EU and Chile (2002), including a reference to the Guidelines², it is foreseen to include 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, MERCOSUR, EU-Canada Trade and Investment Enhancement Agreement (TIEA), etc.). We also think that public schemes that grant public funding to private sector firms can ask recipients to meet higher environmental and social standards, such as those embedded in the Guidelines. This is already the case in a number of EU Member States.

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

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.”

c) *Consistency in Commission policies*

The Commission adopts a coherent and broad approach to CSR issues and has drawn attention to the role of the OECD Guidelines in several Communications on related topics, such as conflict prevention, human rights, Sustainable Development strategy of the EU, promotion of Core Labour Standards, etc.³

d) *Publicising the Guidelines*

Work has concentrated in the reporting period on the EU Multi-Stakeholder Forum on Corporate Social Responsibility (see above).

Trade Commissioner Mr Pascal Lamy, and Commission officials, have participated as 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 promotes Corporate Social Responsibility and the Guidelines in Developing Countries. To this end, DG Trade supported the organisation of four regional outreach seminars in 2003 on the OECD Guidelines in Developing/emerging Countries (Mexico, Morocco, Zambia and Indonesia) organised by Trade Unions Advisory Committee to the OECD. These seminars aimed at promoting 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.

Among the conclusions drawn from these seminars by the organisers, are following:

“[Need for]:

(iii) Focused discussion with regional organisations on promotion of the Guidelines (e.g. Mercosur, APEC, ASEM, NEPAD). [...]

(vi) Consideration should be given on encouraging a network of informal NCPs in non-adhering countries and graduated engagement with the Declaration.”

Considering the interest expressed during the seminars by a number of government representatives from developing countries (e.g.: Costa Rica, Guatemala, Egypt, Morocco,

3 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/>.

Zambia, Thailand, Singapore), we would see an opportunity to undertake follow-up actions that would feed into planned 2005 Annual Roundtable on the promotion of the Guidelines in developing countries.

EC looks forward future discussions on the topic in the Working Party, the Committee, the Annual meeting of National Contact Points and with stakeholders.

- Annex 3 to this questionnaire presents Table 1 of the 2003 NCP Chair's Summary ("Linkages – The OECD Guidelines and export credit, overseas investment guarantee and inward investment promotion programmes"). NCPs are asked to update this Table. If no update is necessary, please indicate this.

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

However, some trade policy tools are used in order to foster corporate responsible practices in developing countries. Among these Sustainable Impact Assessments (SIA) of trade negotiations, or incentives promoting Sustainable Development in the General System of Preferences (GSP).

- 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, or requested information.

The Commission has answered questions from Members of the European Parliament (MEPs) related to the implementation and follow-up of the Guidelines (QO H-0135/04, QE 0493/04, QE 0302-04, QE 3582/03).

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 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.

The Commission welcomes new exchanges on specific instances as a regular agenda item of the Committee or Working Party, and new reporting format. The Commission hopes this will help reinforce the Guidelines implementation mechanism.

D. Other

All additional information has been included above.

