COUNCIL

2008 REPORT ON THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

(Note by the Secretary-General)
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2008 REPORT ON THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

1. In accordance with the Council Decision of June 2000 asking the Investment Committee to report periodically to the Council on matters covered by the OECD Guidelines for Multinational Enterprises, the Secretary-General is transmitting below the Report by the Chair of the eighth Annual Meeting of the National Contact Points (NCP) held on 24-25 June 2008. The Report was endorsed by the NCPs and approved for de-restriction by the Investment Committee.

2. The OECD Guidelines are the foremost international public instrument for corporate responsibility. The Guidelines set high standards for responsible business conduct in all major ethical areas. They have a unique, government-backed implementation procedure. All 41 adhering governments have established National Contact Points (NCP) charged with promoting observance of the Guidelines among companies operating in or from their territories. NCPs promote the Guidelines and maintain a mediation facility (called "specific instances"). These unique features explain the continuous growth in their visibility and use.

3. As reflected in the strong endorsement by the G8 Leaders at the Heiligendamm Summit in June 2007 and the prominent recent report by the Special Representative of the United Nations Secretary-General on Business and Human Rights, this year’s implementation cycle (covering the June 2007-June 2008 period) witnessed a marked increase in the profile of the OECD Guidelines. Activities aimed at promoting the use and effectiveness of the Guidelines intensified. Working relationships with other major corporate responsibility instruments intensified.

4. NCP Performance. If NCPs’ individual efforts in raising the awareness, visibility and impact of the Guidelines continued to expand in various ways (new partnerships with stakeholders, regional consultations, conferences, improved websites, better inter-agency coordination), the most striking feature of the period under review was the increased attention paid to NCP performance and emerging NCP practices. Important changes in NCPs’ structures (notably in the Netherlands and the United Kingdom) intended to improve their performance became operational and a few other NCPs announced their intention to bring out new changes to their institutional arrangements.

5. The specific instances facility continued to generate high interest despite a slight decline in the number of new cases raised (27). Of the total of 182 requests submitted to NCPs since the June 2000 Review of the Guidelines, 136 specific instances have been considered and half of them have been concluded. The search for amicable solutions and better ways to co-ordinate and consult on cases involving multiple parallel requests was also more actively pursued by the NCPs over the past year.

6. In addition, adhering governments continued to use the Guidelines as a tool for communicating expectations to business in other contexts. For example, 29 of the 41 adhering governments made use of the Guidelines in the context of export credits or investment guarantees or in trade and investment promotion campaigns. Practically all adhering governments report taking advantage of their embassy networks to promote and implement the Guidelines.

7. Outreach also elevated the Guidelines’ profile. Egypt became the 40th adherent to the Declaration on International Investment and Multinational Enterprises in July 2007 and established a National Contact
Point for the Guidelines. The review of Peru’s application as the 41st adherent to the Declaration was completed in June 2008, and agreement was reached to consider other pending applications for adherence to the Declaration. A number of adhering governments took steps to promote the use of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones (which is derived from standards and principles in the OECD Guidelines). A China-OECD symposium was organised under the auspices of the 2008 NCP Annual Meeting on China’s recent progress in encouraging responsible business conduct.

8. **Joining forces with others.** The OECD-ILO high-level conference on “Employment and Industrial Relations: Promoting Responsible Business Conduct in a Globalising Economy” organised on 23-24 June 2008 in close cooperation with the Employment, Labour and Social Affairs Committee, highlighted the importance of joining forces with other instruments or initiatives to develop and reinforce synergies between them and the Guidelines. This event was indeed successful in identifying promising areas for further co-operation in the future between the OECD Investment Committee and the ILO Sub-Committee on Multinational Enterprises. A study released in June 2008 prepared by the Secretariat with input from the ILO and the UN Global Compact shows in this regard how leading corporate responsibility instruments working in synergy can usefully guide business-driven initiatives. A Memorandum of Understanding was also concluded with the International Organisation for Standardization (ISO) to ensure that the draft ISO International Standard Providing Guidelines on Social Responsibility and related activities are consistent with and complementary to the OECD Guidelines.

9. **Priorities for the next implementation cycle.** If overall the June 2007-June 2008 period stands out as another productive year for the Guidelines, NCPs generally considered that still more could be done to further the visibility and effectiveness of the Guidelines. They agreed to continue to focus their work on the improvement of their performance and to devote more time to an exchange of concrete experiences on the functioning of the Guidelines. They also very much welcomed the offer of the Dutch NCP to subject itself to a robust “peer review” in the course of the next year. Concerning the resource constraints faced by NCPs to sustain increased efforts to further the effectiveness of the Guidelines, it was felt that this issue justified the inclusion, in the note transmitting the Annual Report to Council, of a proposal that the Council invite adhering governments to take appropriate action.

10. At this critical juncture of severe economic downturn, particular attention will be given to an effective follow-up to the proposed actions for co-operation jointly identified by the OECD Investment Committee and the ILO. On-going work on the role of the Guidelines in promoting business ethics in financial institutions will also take special relevance in the light of the global financial turmoil. Finally, building on the recent co-operation with China on corporate responsibility, adhering governments will continue to actively engage with major emerging economies on public policies to promote responsible business conduct and build trust and confidence in international investment.

11. In the light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

**THE COUNCIL**

a) noted document C(2008)170;

b) welcomed NCPs’ increased efforts to further the effectiveness of the OECD Guidelines for MNEs;

c) encouraged adhering governments to ensure that NCPs have adequate resources to sustain these efforts.
I. Overview

Every year, the National Contact Points (NCPs) of the OECD Guidelines for Multinational Enterprises (“the Guidelines”) meet to review their experiences in performing and promoting the implementation of the Guidelines. They also engage in consultations with the Business Industry Advisory Committee (BIAC), the Trade Union Advisory Committee (TUAC), and with non-governmental organisations (NGOs), notably OECD Watch, to seek their input on how to further enhance the effectiveness of the Guidelines. Additionally, a back-to-back roundtable with practitioners is organised to assist NCPs in better understanding the emerging issues and policy developments relevant to the Guidelines. This year, at the invitation of OECD Ministers and the G8, this event consisted of a high-level conference on “Employment and Industrial Relations: Promoting Responsible Business Conduct in a Globalising Economy” jointly organized with the International Labour Organisation (ILO) on 23-24 June, 2008.

This report reviews NCP activities as well as other implementation activities undertaken by adhering governments over the June 2007 - June 2008 period. It is based on individual NCP reports and other information received during the reporting period and the results of this year’s Annual Meeting. The report is divided into five additional sections: Section II – Institutional Arrangements; Section III – Information and Promotion; Section IV – Specific Instances; Section V – activities related to OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones; and Section VI – Considerations for Future Actions.

Overall, NCPs considered that this implementation cycle was a good year for the OECD Guidelines. The strong endorsement of the Guidelines by the G8 Leaders at their June 2007 Summit in Heiligendamm reflects their rising profile and impact. In addition, the work of the Special Representative of the United Nations Secretary-General on Business and Human Rights put the spotlight on the wide applicability of the Guidelines and the unique features of their implementation mechanism.

The NCP reports show that NCPs’ individual efforts in raising the awareness, visibility and use of the Guidelines have assumed more proactive dimensions. There have been several improvements of national websites and more diverse promotional techniques. New partnerships with stakeholders have emerged and led to their greater involvement in promotional activities. Regional co-operation among NCPs around the Guidelines has also expanded. Promotional efforts on the Guidelines are increasingly more integrated into the daily activities of governments (notably those of economic, foreign affairs and labour ministries, or aid agencies). Efforts to exploit the synergies between the Guidelines and other existing initiatives and instruments relevant to corporate responsibility such as joint activities and publication of white papers, among others, have also expanded. As of June 2008, 104 000 websites referred to the Guidelines, compared to 25 000 five years ago.

A number of new adherent governments have also taken steps to promote the use of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones which is derived from standards and principles in the OECD Guidelines.
In total, however, this year’s activities show considerably more attention paid to the issue of NCP performance and emerging NCP practices. Important changes in NCP structures (notably in the Netherlands and the United Kingdom) are now operational and these experiments are being closely watched by other NCPs. A few NCPs also report exploring the possibility of introducing changes to their institutional arrangements. The Working Party of the Investment Committee conducted a major survey of NCP performance in order to assist NCPs in preparing for the discussion at their 2008 Annual Meeting, which was largely devoted to this subject.

Although there has been a slight decline in the number of specific instances raised over the 2007-2008 implementation cycle of the Guidelines, the NCPs’ reports show continued support for the specific instances facility. There were 27 cases raised for a total of 182 requests since the June 2000 Review. Of these, 136 specific instances have been considered by NCPs. The trend of searching for amicable solutions is continuing, resulting in efforts to better co-ordinate and consult on cases involving multiple requests. However, some questions remain for further discussion.

Adherence to the Declaration on International Investment and Multinational Enterprises has continued to expand. Egypt became the 40th adherent to the Declaration on International Investment and Multinational Enterprises in July 2007 and established a National Contact Point for the Guidelines. The review of Peru’s application as the 41st adherent to the Declaration was completed in June 2008 and several other requests for adherence to the Declaration by other non-OECD countries are under active consideration. The Guidelines have also garnered increased visibility within the context of the OECD Investment Committee’s co-operation with China.

A Memorandum of Understanding has been concluded with the International Standard Organisation (ISO) to ensure that the draft ISO International Standard Providing Guidelines on Social Responsibility and related activities are consistent with and complementary to the OECD Guidelines.

While noting the progress made during the June 2007-June 2008 period, NCPs generally agreed that still more could be done to further the effectiveness of the Guidelines. The discussion at the annual consultations with stakeholders and the exchange of views with the Special Representative of the UN Secretary-General on Human Rights on his April 2008 report did focus on NCPs although it often blurred the distinctions between stakeholder satisfaction and performance of the NCP. Nevertheless, NCPs are aware of the importance of improving their performance and they considered that the 2008-2009 implementation cycle should continue to be devoted to improving this. NCPs would benefit from access to better data on their actual performance which distinguishes those matters that are within NCPs’ control - for example there was considerable discussion about process delays which are sometimes the result of other parties. NCPs are looking for more opportunities to exchange their experience in depth and in this regard welcomed the offer of the Dutch NCP to subject itself to a peer review in May 2009. They also agreed that the length of the 2009 Annual Meeting should be increased to allow more time for an in-depth exchange of concrete experiences on the functioning of the Guidelines, specifically NCPs would like an additional half day devoted to discussion of recently concluded cases. NCPs would also appreciate the opportunity to receive expert advice on techniques such as mediation. It was noted that many NCPs have not yet dealt with any specific instances but conversely that some NCPs experience resource constraints in fulfilling their duties. It was suggested to the Investment Committee that the note transmitting the Annual Report to Council could include an invitation to adhering governments to take appropriate action. Finally, they welcomed the work to be undertaken over the coming year under the auspices of the Investment Committee on the supporting role of the Guidelines in the financial sector and the promotion of the Guidelines in non-adhering countries.
II. Innovations in NCP structure and procedures

Taking into account the structural changes that occurred in the June 2007-June 2008 period, current NCP structures now consist of:

- 20 NCP single government departments;²
- 7 NCP multiple government departments;³
- 1 bipartite NCP;⁴
- 9 tripartite NCPs (involving governments, business, and trade unions);⁵
- 2 quadripartite NCPs (involving governments, business, trade unions and NGOs);⁶ and
- 1 mixed structure of independent experts and government representatives.⁷

Compared with 2000, when the NCP mechanism under the revised Guidelines was created, the inclusion of stakeholders into NCP structures has markedly expanded.⁸ The number of NCPs with tri- or quarti-partite organisations has increased while advisory committees or permanent consultative bodies involving non-government partners has become widespread in countries with government NCP structures. Meetings with business, trade unions and civil society have also intensified. While a few NCPs seem to prefer more informal channels of communication, this year’s reports underscore NCPs’ commitment to respond to enquiries about the functioning of the Guidelines and be fully transparent about their activities.

The most striking innovations in NCP structures and procedures occurred in Egypt, the Netherlands and the United Kingdom:⁹

- **Egypt** became the 40th adherent country to the Declaration in July 2007 and established its NCP. Its newly created NCP consists of a Senior Manager from the Ministry of Investment and its own support staff. It is also assisted by an Advisory Committee comprising, in addition to the NCP’s Manager, representatives from the Ministries of Finance, Foreign Affairs, Administrative Development, Trade and Industry, and Manpower and Immigration. The Advisory Committee also comprises economic, legal and financial experts. A representative of the Egyptian Trade Union Federation is a member of this Committee.

- The **Dutch NCP** now consists of an independent chairman and three independent members, who all possess backgrounds in the various stakeholder groups of the NCP’s work. They are independent insofar that they have a seat in the NCP in their personal capacity, and are not bound by the policies and goals of the Dutch government. The NCP members are advised by four ministries (Economic Affairs, Foreign Affairs, Social Affairs and Employment, and Housing, Spatial Planning and the Environment). The ministry of Economic Affairs provides a Secretariat with two full-time employees. The new Dutch NCP has met twice in the reporting period.

- In the **United Kingdom**, the Steering Board overseeing the work of the NCP met for the first time in May 2007 and is now fully operational. It includes external members selected for their experience in business, employee relations and issues of concern to NGOs as well as representatives from government departments (Attorney General’s Office, Environment, Food and Rural Affairs, Constitutional Affairs, International Development, Work and Pensions, Export Credit Guarantee Department, Foreign Office, UK Trade and Investment, and the Scottish Executive). Following the adoption of a new strategy in May 2007, the FCO refocused its
objectives, which means that it is no longer a member of the UK NCP although it will continue to be represented in the Steering Board. Two officials from the Department for Business, Enterprise and Regulatory Reform (BERR) are now working full time on the Guidelines, with 20 per cent of a DFID official.

NCPs noted these changes with interest and look forward to an assessment of their effectiveness at an appropriate time.

Other institutional changes reported to be under active consideration:

- **Canada** has started the process of transferring the role of NCP chair and coordinator from the Investment Trade Policy Division to the Trade Commissioner Service Overseas Operation Division. This Division has a team that advises trade commissioners in Canada and abroad on CSR, and coordinates an annual CSR-related program that includes training. The rationale behind the transfer is to expand the network and reach of the Guidelines through the trade commissioners, thus enabling the Canadian NCP to implement the Guidelines more effectively.

- In April 2008, **Chile** completed a review of its existing institutional arrangements for the Chilean NCP. Recommended changes include decentralisation of the consideration of specific instances to specialised departments or agencies, and reinforcement of the composition of the consultative Committee to the Chilean NCP.

- In **Iceland**, the location of the Icelandic NCP has been transferred to the Ministry of Business Affairs. Further changes are under active consideration.

- **Italy** reports the signing of a Protocol of Understanding between the Italian NCP and the Lombardy Region-General Directorate for Handcraft and Services in February 2008. The Protocol is aimed at strengthening NCP co-operation with sub-national institutions and promoting the Guidelines among small- and medium-sized enterprises. The Protocol provides for a series of activities to be carried out jointly between the signatories: the involvement of public and private bodies on the issues related to the Guidelines, the implementation of pilot projects together with artisan enterprises and SMEs, and the participation of the region’s businesses in trade missions.

- **Japan** is exploring the modalities of establishing a standing consultative body comprised of representatives from the Japanese business and labour communities.

- **Mexico** and **Slovenia** are proceeding with a reorganisation of their NCPs.

More frequent consultations among NCPs stand out as the third most distinctive feature of the 2007-2008 review period. Co-operation was strengthened or developed at a regional level, most notably among the Nordic countries and Latin American countries. Since 2000, NCPs report having engaged in joint consultations on 22 specific instances. During the reporting period, Switzerland reports consulting with the Australian and UK NCPs on the activities of a Swiss-based multinational and co-owner of a coal mine in Colombia. The Swedish and Norwegian NCPs report working closely together on a recent case involving the financial sector.

The Italian NCP raised some questions on how instances involving multiple NCPs should be managed. It was agreed that NCPs could draw on the following guiding principles for addressing multi-NCP specific instances. **First**, it was recognized that the NCPs involved need to retain the necessary flexibility to address the merits and circumstances pertaining to such complex cases, which may vary
significantly from one case to another. It was also noted that such flexibility is already embedded in the Procedural Guidance for implementing specific instances. Second, multi-NCP specific instances involving the same allegations of non-compliance, should be dealt through one single process to avoid potential inconsistencies between the treatment of instances by the various NCPs concerned. Third, to provide for this unified approach, a “leader NCP” should be designated to manage the whole process. Furthermore, the NCP receiving the first instance should take on the responsibility of obtaining an agreement on an appropriate leader NCP and the process for handling the instance. Fourth the leading NCP should maintain at all times effective communication channels with other concerned NCPs. It should also closely involve them in any decisions on the intermediary procedural steps as well as in drafting of the concluding statement on the specific instances raised. It was also suggested that the OECD Electronic Discussion Group could be a helpful communication channel for disseminating relevant information to NCPs.

III. Proactive approaches and regional co-operation in information and promotion initiatives

The June 2000 Decision of the OECD Council calls on NCPs to undertake promotional activities. The reporting period witnessed an increasingly proactive approach to identifying new avenues for promotional activities, and intensification in the targeting and tailoring of information delivery on the Guidelines. The present section summarizes the main activities described in the individual NCP reports.

III.a Selected promotional activities

Developments and innovations in promotion include:

- **Argentina – co-operating regionally.** In May 2008, the second annual regional meeting of national contact points in Latin America was held in Buenos Aires. At the meeting, regional co-operation among NCPs was stressed as a key way to garner political support, increase awareness of the Guidelines among civil society and government counterparts, and overcome the limited physical and human capital resources of NCP offices. In November 2007, a dedicated website to the Argentine NCP was inaugurated. Mexico offered to host in 2009 the Third Regional Meeting of the Latin American National Contact Points.

- **Australia – convening multi-stakeholder consultations.** To better promote the Guidelines and build networks across the country, the Australian NCP organised two multi-stakeholder consultations in Sydney and Melbourne in August 2007. Participants from both NGOs and the relevant government agencies gave presentations during the consultations. Further, to ensure user-friendliness and act as a comprehensive information source, the Australian NCP website was reviewed and updated.

- **Brazil – targeting MNEs.** The Brazilian NCP is currently building a database of MNEs operating in Brazil and their relevant contact persons for issues related to the Guidelines. MNEs were identified as a priority group for outreach efforts and this targeted approach is complemented by additional NCP participation in conferences, seminars and regional NCP meetings.

- **Canada – global outreach.** At a seminar on human rights within the framework of La Francophonie in Rabat, Morocco in March 2008, the Canadian NCP presented the unique features of the Guidelines and the specific instance facility. Industry Canada disseminated the results of extensive research on Canadian MNEs and industry associations in the context of development of a Sustainable Development Strategy. Canadian embassies in Ecuador, Peru, Guatemala and Senegal organised multi-stakeholder seminars on the extractive sector.
- **Denmark – information-sharing at the regional level.** The Danish NCP participated in a meeting of Nordic National Contact Points in Oslo, Norway in March 2008 designed to help strengthen co-operation between NCPs on the Guidelines. In addition, the Danish NCP responded to an enquiry from the Norwegian government and discussed the Danish view of the Guidelines as a CSR-tool in a meeting with Norwegian government representatives.

- **Egypt – laying the foundation.** The Egyptian NCP website, to be launched in early summer 2008, will feature the Guidelines in both English and Arabic and other information relevant to stakeholders in Egypt. Egypt also organised an event on the Guidelines with TUAC and NGOs that attracted trade union participants from across the Middle East and North Africa.

- **France – spreading the Guidelines.** The French NCP also actively participated in the seminar on human rights organised within the framework of La Francophonie in Rabat, Morocco in March 2008 at which the creation of a French speaking NGO network was discussed. On the occasion of the major stakeholder conference, “Quelles régulations pour une mondialisation plus juste?” organised by the Ministry of Labour, Social Affairs and Solidarity, French enterprises were encouraged to refer to the Guidelines in the context of their framework agreements with trade unions. The association of French entrepreneurs MEDEF published an explanatory brochure on the Guidelines, which has been distributed to all French embassies abroad.

- **Germany – spotlight on the Guidelines.** At the June 2007 Leaders Summit, Germany initiated the so-called “Heiligendamm Process” to promote new forms of dialogue on CSR with G5 countries. The German NCP promoted the Guidelines with Chinese officials and was a key speaker at the forum organised in Egypt by TUAC.

- **Iceland – better promotion.** Iceland’s NCP is revising the first Icelandic translation of the Guidelines before providing a final version to domestic and foreign stakeholders. The NCP representative also introduced the Guidelines to advanced law students at Reykjavik University’s School of Law.

- **Italy – engaging SMEs.** The Italian NCP commissioned a survey concluded in October 2007 on “CSR as competitive elements for SMEs: Implementation policy and communication instruments to reach consumers.” The push to involve domestic SMEs in a dialogue on the Guidelines’ applicability also included such workshops and seminars as “Internationalisation and globalisation as key factors for the competitiveness of Micro-, Small- and Medium-Enterprises,” June 2007; “Internationalisation of the Enterprises – Workshop on Brazil,” April 2008; and “India: Challenges and Opportunities for Emilia Romagna SMEs.”

- **Japan – mobilising Southeast Asia.** The Japanese NCP participated in a symposium with TUAC and the Japanese Trade Union Confederation, RENGO, on the Guidelines in February 2008. During the symposium, participants discussed NCP experiences and how to promote the Guidelines in Southeast Asia.

- **Korea – extending partnerships.** As of 2008, excerpts of the Guidelines are available on the websites of several Korean economic organizations, as well as on the official ministry’s website. The Korean NCP is also expanding its promotion efforts off-line and is directly educating companies on the Guidelines. It also visited the Japanese NCP in November 2007 to share management ideas.

- **Netherlands – pursuing global promotion.** The Dutch NCP has worked with the Dutch Agency for International Business and Co-operation (EVD) to provide information on the Guidelines and
guidance on their implementation in emerging markets for companies considering foreign operations. EVD also launched three new country-specific CSR toolkits, which include information on the Guidelines, and more are under development. Moreover, the Guidelines were actively promoted during several Dutch trade missions.

- **Norway – maximising impact.** In January 2008, the Norwegian Foreign Ministry published a booklet on anti-corruption that included a section on the Guidelines which was distributed to all Norwegian embassies and export promotion offices abroad as well as to relevant agencies and organizations in Norway. In addition, the Norwegian government is in the process of writing a White Paper on CSR and its completion may spur a more comprehensive CSR strategy incorporating the Guidelines.

- **Poland – expanding NCP presence.** A revamped website on the Guidelines was launched in 2008. In November 2007, the Polish NCP hosted a conference on “The OECD Guidelines for Multinational Enterprises – Foreign Experience and Perspectives in Poland”. This was followed by NCP representation at a conference establishing a national platform for CSR.

- **Romania – easing accessibility.** The Guidelines are incorporated into the Romanian Agency for Foreign Investment’s new user-friendly brochure, and a section is dedicated to answering questions about the Guidelines and explaining the Romanian NCP’s functions. Moreover, the Romanian NCP is continuing its information outreach to trade unions through seminars.

- **The Swedish Partnership for Global Responsibility** has continued to be used as a platform for promoting the Guidelines, notably in relation to core labour standards, business in conflict, business in China, corruption, human rights, responsible investment and reporting.

- **In Switzerland,** the Guidelines have been promoted in ministerial speeches or that of high officials and continued to be linked with of other government-supported corporate responsibility initiatives. An expanded website on the Guidelines will go live in mid-2008.


Other promotional activities undertaken by NCPs during the reporting period include:

- Outreach to companies via contacts or presentations to individual companies or business associations (Brazil, Canada, Italy, Japan, Korea, Netherlands, Poland, Sweden, United Kingdom).

- Consultations and organisation of meetings with national partners (Australia, Brazil, Canada, Czech Republic, Denmark, Egypt, Germany, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Romania, Sweden, United Kingdom). In Denmark, a “Guidelines-Group” was established, functioning as an open forum for representatives of NGOs and the Danish NCP to discuss promoting the Guidelines.

- Newsletters, articles in the press or other promotion through the media (Brazil).

- Participation in conferences organised by non-governmental actors (Argentina, Australia, Canada, Finland, Greece, Italy, Poland, Romania, Turkey, United Kingdom, United States).
Development of promotional material and mailings (Austria, Australia, European Commission, New Zealand, Norway, United Kingdom). Website development (Argentina, Australia, Brazil, Egypt, Italy, Poland, United Kingdom).

Promotional activities within governments

- Promotion through presentations to government departments or agencies or by high-level officials (Australia, Norway, Turkey, United Kingdom).
- Promotion with and training of embassy and consular staff (Australia, Canada, Germany, Norway, Romania, Spain, Switzerland, United Kingdom, United States). In 2008, the UK’s Embassy in Moscow organized a series of meetings to promote the Guidelines to key British investors in Russia.
- Trade and Investment Promotion missions or activities (Canada, Germany, Japan, Lithuania, Netherlands, Norway, Romania, Slovenia, Sweden).
- Promotion through overseas development agencies (Canada, Netherlands). The Canadian International Development Agency raises awareness of the Guidelines through its participation in outreach events across Canada and internationally, for example, at the Inter-American Conference on CSR.
- Answering questions from Parliaments, Ombudsmen or other government bodies (European Commission, Germany, Japan, Sweden). Promoting the Guidelines to foreign embassies (Switzerland).

III.c Investment promotion, export credit and investment guarantee agencies

Adhering governments have continued to explore ways of ensuring that their support for the Guidelines finds appropriate expression in credit and investment promotion or guarantee programmes. Table 1 summarises the links that have been established between the Guidelines and such programmes. Twenty-eight NCPs report that such links exist.

<table>
<thead>
<tr>
<th>Australia</th>
<th>Export credit and investment promotion</th>
<th>Australia’s Export Finance and Insurance Corporation (EFIC) promotes corporate social responsibility principles on its website, including the OECD Guidelines. The Guidelines are hosted on the Australian NCP’s website. Links to the Australian NCP’s website are provided on the Foreign Investment Review Board and the Invest Australia websites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Export credits</td>
<td>Oesterreichische Kontrollbank AG, acting as the Austrian export credit agency on behalf of the Austrian Federal Ministry of Finance, is actively promoting corporate responsibility principles and standards. On its website, extensive information on CSR issues, including the current text of the Guidelines, is available.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Export credit and investment guarantees</td>
<td>The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.</td>
</tr>
<tr>
<td>Country</td>
<td>Sector/Type</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
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<tr>
<td>Canada</td>
<td>Export Credits</td>
<td>The Export Development Canada (EDC) promotes corporate responsibility principles and standards, including the recommendations of the Guidelines. EDC has linked its website with that of Canada’s NCP. Guidelines brochures are distributed. Dialogue on CSR with key stakeholders is maintained.</td>
</tr>
<tr>
<td>Chile</td>
<td>Investment promotion</td>
<td>The Foreign Investment Committee is the agency which promotes Chile as an attractive destination for foreign investment and international business. The Guidelines are part of the information provided by the Committee to investors.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Investment promotion</td>
<td>There is a special agency called &quot;Czech Invest&quot; operating in the Czech Republic which provides information on the Czech business environment to foreign investors. It has prepared an information package (which includes the Guidelines) that is passed to all foreign investors considering investing within the territory of the Czech Republic. The Czech NCP (at the Ministry of Finance) cooperates closely with Czech Invest.</td>
</tr>
<tr>
<td>Denmark</td>
<td>Export credits</td>
<td>When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the OECD Guidelines and encourages exporters to act in accordance with the OECD Guidelines.</td>
</tr>
<tr>
<td>Estonia</td>
<td>Investment promotion</td>
<td>The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.</td>
</tr>
<tr>
<td>Finland</td>
<td>Export promotion</td>
<td>This programme, adopted in July 2001, introduces &quot;environmental and other principles&quot; for &quot;export credit guarantees&quot;. It calls the &quot;attention of guarantee applicants&quot; to the Guidelines.</td>
</tr>
<tr>
<td>France</td>
<td>Export credits and investment guarantees</td>
<td>Companies applying for export credits or for investment guarantees are systematically informed about the Guidelines. This information takes the form of a letter from the organisation in charge of managing such programmes (COFACE) as well as a letter for companies to sign acknowledging that they are aware of the Guidelines (&quot;avoir pris connaissance des Principes directeurs&quot;).</td>
</tr>
<tr>
<td>Germany</td>
<td>Investment guarantees</td>
<td>A reference to the Guidelines is included in the application form for investment guarantees by the Federal Government. The reference also provides a link to information of the Guidelines, in particular the Internet address for the German translation of the Guidelines.</td>
</tr>
<tr>
<td>Greece</td>
<td>Investment promotion</td>
<td>The Guidelines are available on the portal of the Ministry of Economy &amp; Finance (<a href="http://www.mnec.gr">www.mnec.gr</a>), as well as on the websites of the Hellenic Investment Promotion Agency (ELKE) (<a href="http://www.elke.gr">www.elke.gr</a>) and the Export Credit Insurance Organization (OAEI) (<a href="http://www.ecio.gr">http://www.ecio.gr</a>).</td>
</tr>
<tr>
<td>Israel</td>
<td>Investment Promotion Centre</td>
<td>The site of Israel's Investment Promotion Centre has a direct connection to the Israeli NCP web site where the OECD Guidelines are available electronically.</td>
</tr>
<tr>
<td>Italy</td>
<td>Export credits</td>
<td>The Italian NCP is in regular contact with SACE (the Italian association in charge of insuring export credit) and contributes to its activities.</td>
</tr>
<tr>
<td>Japan</td>
<td>Trade-investment promotion</td>
<td>The Guidelines (basic texts and Japanese translation) are available on the websites of the MOFA, METI, and MHLW Japan. Japan established a website with the intention of further strengthening a network between Asia and Africa to facilitate the exchange of trade and investment. The Japan External Trade Organization (JETRO) website and the ASEAN-Japan Centre website are linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion. Tokyo International Conference on African Development (TICAD) Exchange also provides Web links to the Guidelines.</td>
</tr>
<tr>
<td>Korea</td>
<td>Trade-investment promotion</td>
<td>OECD Guidelines can be found at the MKE (Ministry of Knowledge Economy) website (<a href="http://www.mke.go.kr">www.mke.go.kr</a>). MKE promotes trade and investment.</td>
</tr>
<tr>
<td>Country</td>
<td>Services Provided</td>
<td>Text</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Investment promotion</td>
<td>“Lithuanian Development Agency” operates in the Republic of Lithuania and provides information on the Lithuanian business environment to foreign investors. It has prepared an information package that is passed to all foreign investors considering investing within the territory of Lithuania. The Lithuanian NCP (at the Ministry of Economy) cooperates closely with the “Lithuanian Development Agency”. Investment Promotion Programme for the period of 2008–2013 was adopted by the Government on 19th of December 2007. The goal of the programme is to improve investment environment in Lithuania in general and to establish an efficient system for the promotion of direct investment, focusing on long term development of economy and the prosperity of the society. Whole text of the Investment promotion Programme can be found at the web page of the Ministry of Economy: <a href="http://www.ukmin.lt/en/investment/invest-promotion/index.php">http://www.ukmin.lt/en/investment/invest-promotion/index.php</a></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Export credits and investment guarantees</td>
<td>Applicants for these programmes or facilities receive copies of the Guidelines. In order to qualify, companies must state that they are aware of the Guidelines and that they will endeavour to comply with them to the best of their ability.</td>
</tr>
<tr>
<td>Poland</td>
<td>Investment promotion</td>
<td>The Polish NCP is located in the investment promotion agency (PAiIiIZ). The Polish Information and Foreign Investment Agency helps investors to enter the Polish market and find the best ways to utilise the possibilities available to them. It guides investors through all the essential administrative and legal procedures that involve a project; it also supports firms that are already active in Poland. PAiIiIZ provides rapid access to the complex information relating to legal and business matters regarding investments, helps in finding the appropriate partners and suppliers, together with new locations.</td>
</tr>
<tr>
<td>Romania</td>
<td>Romanian Agency for Foreign Investments (ARIS)</td>
<td>The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The RNCP’s webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines (basic texts) are available electronically on the sites of the MFA (<a href="http://www.mae.ro">www.mae.ro</a>) and the Romanian Agency for Foreign Investments (ARIS) (<a href="http://www.arisinvest.ro">www.arisinvest.ro</a>). The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language. Other useful documents posted on the RNCP’s web page include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Policy framework for Investment;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Investment promotion, export credits and investment guaranties</td>
<td>The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the OECD Guidelines for Multinational Enterprises is already a part of Slovenian policies. Currently we are in the restructuring phase. Public Agency for Entrepreneurship and Foreign investments (JAPTI) and Slovene Export and Development Bank (SID) will add links to the NCP web site.</td>
</tr>
<tr>
<td>Slovak Republic</td>
<td>Investment promotion</td>
<td>NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in Slovak language at Ministry’s webpage. The Ministry of Economy is funding and supervising an agency for investment and trade development (SARIO) that promotes both business environment and investment opportunities. The investors entering the Slovak republic who had been awarded with governmental incentives are to commit themselves to keep the Guidelines (part of the awarding decision).</td>
</tr>
<tr>
<td>Spain</td>
<td>Investment guarantees</td>
<td>The CESCE (Export Credit Agency) that manages investment guarantees, COFIDES (Corporation for Development Finance) and ICO (the Official Credit Institute) provide Guidelines brochures to applicants for support and investment guarantees.</td>
</tr>
<tr>
<td>Sweden</td>
<td>Export credits</td>
<td>The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on environment, the rules on bribery, the OECD Guidelines for MNE’s and the Swedish Partnership for Global Responsibility.</td>
</tr>
</tbody>
</table>
Switzerland | Export Risk Insurance | Switzerland’s Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism.

Turkey | FDI | The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for investment policy making. The Treasury’s website provides information on the Guidelines.

United Kingdom | Export credits and investment insurance | Links connect the Export Credits Guarantee Department's website with that of the UK National Contact Point. In addition, ECGD refers to the Guidelines in its publicly available Case Impact Analysis Process document.

United States | Export and import credits and investment guarantees | The Export-Import Bank and the Department of Commerce co-operate with the NCP on the provision of information on the Guidelines to applicants for their programmes in support of US business activities abroad.

### III.d OECD Investment Committee work

As a result of the high political profile given to the OECD Guidelines, and the requests made to the OECD to act as a platform for various corporate responsibility issues, the OECD Investment Committee embarked on three major new initiatives to enhance the visibility and use of the OECD Guidelines as a foremost corporate responsibility instrument:

- **Review of NCP performance since 2000:** In light of the G8 commitment to promote the OECD Guidelines through better governance of the National Contact Points and the decision made at the 2007 Annual NCP meeting to prioritize improving NCP performance over the 2007-2008 implementation cycle, the Working Party of the Investment Committee conducted a major review of NCP activities since the 2000 Revision of the Guidelines. The review’s findings have been submitted to NCPs in advance of this year’s Annual Meeting, and the report offers insight into emerging practices as “seed material” for the improvement of NCP performance.

- **Overview of selected Initiatives and Instruments relevant to CSR:** In response to the G8 request that “the OECD, in co-operation with the Global Compact and the ILO, compile the most relevant CSR standards and principles”, the OECD Secretariat prepared, under the auspices of the Investment Committee, an overview of initiatives and instruments relevant to Corporate Social Responsibility that incorporates inputs from the ILO Secretariat and the UN Global Compact. This report highlights the unique status and characteristics of the ILO and OECD instruments and those of the UNGC as important complements to privately-developed CSR initiatives. It also suggests that their increased use and reference by enterprises will help enhance the visibility, consistency and acceptability of companies’ own CSR initiatives.

- **OECD-ILO Co-operation:** On 23-24 June 2008, the OECD Investment Committee and the Employment, Labour and Social Affairs Committee, in conjunction with the ILO, organised a high-level conference on “Employment and Industrial Relations: Promoting Responsible Business Conduct in a Globalising Economy.” The widely attended event contributed to further dissemination of good corporate practices in the area of employment and industrial relations, better understanding and use of the OECD and ILO’s instruments, and mutual understanding and trust between stakeholders in developed and emerging markets on approaches to responsible investment. Areas for future co-operation between the OECD and ILO were also identified.

*Outreach* work has also elevated the Guidelines’ profile. On 26-27 June 2008, a China-OECD symposium was organised on China’s recent progress and challenges in encouraging responsible business
conduct. This event was followed by a seminar initiating a continuing dialogue and establishing a network for sharing information on best practices for environmentally responsible business conduct among Chinese enterprises. In the context of its support to the work underway at the IMF on generally accepted principles and practices for sovereign wealth funds, the Investment Committee publicly called attention to the relevance of the OECD Guidelines for Multinational Enterprises to this work.

In addition, the OECD Investment Committee and its Working Party continued to provide a privileged forum for exchanging experiences on the implementation of the Guidelines, notably with regard to the areas identified for future action in the 2007 Annual Report on the Guidelines.

III.e Other promotion by the OECD

In October 2007, the OECD Secretary-General met with Eurotradia International, an association of high level French executives to discuss the role of the Guidelines in a globalised world. In December 2007, the OECD Secretary-General’s interview on the Guidelines with Les Ordres Des Avocats de Paris was reproduced in a special edition of “Le Barreau autour du Monde” on ethics and international trade. In February 2008, the OECD Deputy Secretary-General Mario Amano held a keynote address on “Making the Most of the OECD Guidelines for Multinational Enterprises” at the high level seminar organised in Tokyo by the Japanese Trade Union Confederation RENGO and the Trade Union Advisory Committee to the OECD.

The Secretariat continued to contribute to the UN Secretary-General’s Special Representative John Ruggie’s work on business and human rights with speeches at a workshop in Berlin and a related supply chain workshop in The Hague in November 2007. The Secretariat also provided input to a project on alternative dispute settlement procedures in the field of corporate responsibility.

The OECD concluded a Memorandum of Understanding with the ISO with a view to ensuring that the International Standard Providing Guidelines on Social Responsibility currently being developed by the ISO (the so-called ISO 26000 standard) and related activities are consistent with and complement the OECD MNE Guidelines.

Officers of the Investment Committee and its Secretariat accepted invitations to promote the Guidelines at several international meetings over the period. Selected promotional events attended and activities undertaken include:

- In October 2007, the Chair of the Investment Committee made a keynote presentation to the Spanish Parliament.
- The Secretariat organised an informative seminar on the Guidelines at the margins of the 5th meeting of the ISO Working Group on Social Responsibility held in Vienna in November 2007, which further benefitted from the participation of the Chair of the Investment Committee and a representative of the Global Reporting Initiative. It also made a presentation on “Matching Government and Corporate Responsibility” at a side ISO event on corporate responsibility.
The Secretariat presented the “Perspectives of the OECD Guidelines” at the EC Conference on “Corporate Social Responsibility at the Global Level” held in Brussels in December 2007.

The Secretariat presented on “Momentum and Responsible Growth: Role and Impact of the OECD Guidelines” at a Chatham House Conference in London in March 2008.

The Secretariat presented the OECD instruments to promote responsible business at the seminar organised in the framework of La Francophone in Rabat, Morocco in March 2008.

The Secretariat made a presentation on corporate responsibility at the Salon de l’Environnement et des Metiers Durables held in Paris in June 2008.

Since March 2006, the OECD Investment Newsletter, published three times a year, has kept the larger investment policy community and other stakeholders informed about ongoing Investment Committee work on the Guidelines.

In addition, the Secretariat answered numerous queries about the Guidelines from the media, universities and other interested parties, and continued to improve the OECD website dedicated to the Guidelines.

IV. Active use of the “specific instance” facility

IV.a Number of specific instances

182 requests to consider specific instances have been filed with NCPs since the June 2000 review. Individual NCP reports indicate that the following numbers of specific instances have been filed: Argentina (5), Australia (3), Austria (5), Belgium (11), Brazil (13), Canada (7), Chile (5), Czech Republic (5), Denmark (3), Finland (4), France (12), Germany (10), Hungary (1), Ireland (1), Italy (5), Japan (5), Korea (5), Mexico (2), Netherlands (15), New Zealand (1), Norway (3), Poland (3), Portugal (1), Romania (1), Spain (2), Sweden (3), Switzerland (5), Turkey (2), United Kingdom (18), and United States (26).

Annex 2 shows that 136 specific instances have been actively taken up and considered to date by NCPs. 86 of these have been concluded. Most specific instances deal with Chapter IV (Employment and Industrial Relations). A number of cases also involve violation of human rights in the resources sector. The only Guidelines chapter that has not been referenced in the context of a specific instance is Chapter VIII (Science and Technology).

IV.b Selected specific instances described in NCP reports

Australia – In July 2007, the Australian NCP received a request regarding alleged non-observance with several provisions of the OECD guidelines by a mining company operating in South America. The Australian NCP has consulted with the Swiss and UK NCPs in relation to this specific instance. Further deliberation of this instance was suspended pending release of the report commissioned by the mining company’s management and shareholders to review the firm’s social engagement.

Brazil – In March 2008, the Brazilian NCP issued a final statement on a specific instance concerning Shell Brazil Holding and alleged non-observance of certain provisions of Chapter V (Environment) of the Guidelines. In May 2006, a Brazilian environmental NGO and a labour union representing petroleum by-products workers in the state of Sao Paulo brought the complaint to the NCP. After mediation, and several meetings and discussions with the relevant parties, the Brazilian NCP closed the case and issued its findings.
Germany – The German NCP issued a final statement in August 2007 on a specific instance concerning Bayer CropScience’s operations in India. The statement includes a voluntary commitment from Bayer CropScience to take concrete measures against child labour. The case dates to October 2005 when the German NCP received a request from NGOs regarding alleged non-observance of paragraph 1b) “contribute to the abolition of child labour” of Chapter IV (Employment and Industrial Relations) of the Guidelines by one of Bayer CropScience’s suppliers in India. The German NCP solicited comprehensive comments from both parties and initiated a series of meetings in November 2006 and January 2007.

Sweden – In January 2008, the Swedish NCP issued a final statement regarding a specific instance involving Scandinavian bank Nordea as partial financer of the Finnish company Botnia’s construction of a pulp mill in Uruguay. The case dates to July 2006 when both the Swedish and Norwegian NCPs were contacted by the Norwegian NGO Bellona and the Argentinean NGO Center for Human Rights and Environment (CEDHA) about alleged non-observance of the Guidelines. Since Nordea’s legal domicile is Sweden, the Swedish NCP took the lead with the support of the Norwegian NCP in assessing the request. This specific instance revolved around the applicability of the Guidelines to the financial sector and this issue was discussed at the annual NCP meeting in 2007. While the Swedish NCP determined that Nordea was complying with the Guidelines, it also stated that the Guidelines can and should be applied to the financial sector as well as to other multinational enterprises.

V. Implementation of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

Several countries have taken steps to disseminate and promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Canada, for instance, has promoted the tool through its embassies in sub-Saharan Africa and the Canadian International Development Agency’s activities in Afghanistan. The Risk Awareness Tool also featured prominently in the December 2007 workshop in Kampala sponsored by Sweden on the subject of “Contributing to Sustainable Peace in Conflict-Affected Countries - Identifying a Role for Investors in Uganda.” The UK NCP drew attention to the OECD Risk Awareness Tool in its final statement on one specific instance.

The Risk Awareness Tool is now published or referred to alongside the Guidelines on NCP or corporate responsibility websites in many countries (Australia, Belgium, Canada, Germany, Ireland, Italy, Japan, Korea, Romania, Sweden and United Kingdom). The Australia Trade Commission invites business to use the tool as part of its risk management plan.

In June 2007, the UN Security Council stressed the importance of the OECD Risk Awareness Tool for promoting responsible business conduct and avoiding illegal exploitation of natural resources in countries in conflict.

There is also increasing evidence that stakeholders are making greater use of the OECD Risk Awareness Tool. The tool has been cited, for example, as a source of helpful guidance in the management of challenges that Anglo Gold Ashanti faced in the Democratic Republic of Congo (the case-study detailing the use of the tool is available through the UN Global Compact’s learning forum). The Shareholder Association for Research and Education (SHARE) has developed recommendations for the provision of financing to companies operating in weak governance zones. The Risk Awareness Tool is listed as a relevant resource in investment decision-making by the IFC Oil, Gas and Mining Sustainable Community Development Fund, the UK Anti-Corruption Forum, Business and Human Rights Resource Centre, Rights and Accountability in Development, and Transparency International.

The OECD Secretariat also continued to actively promote the OECD Risk Awareness Tool. It publicized the tool at a conference on corporate social responsibility organized in Milan in October 2007.
by the OECD Development Centre and the Unicredit Group. In March 2008, the OECD Development Assistance Committee and the OECD Investment Committee agreed to launch a joint initiative for upgrading the promotion and implementation of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. This initiative is intended to provide web-based operational guidance and engage in multi-stakeholder dialogue for better management of the risks of investing in fragile states. The tool and this initiative were presented at the May 2008 International Law Association’s Annual Conference British Branch on “Does International Law Mean Business? A Partnership for Progress”.

VI. Considerations for future action

Overall, the 2008 Annual Meeting of NCPs considered that the progress made during the reporting period corresponds to several of the objectives decided at the 2007 Annual Meeting. However, the general sense prevailed that more could be done to further the effectiveness of the Guidelines and the NCP operations. Mindful of the fact that the Investment Committee intends to undertake further work on the supporting role of the Guidelines in the financial sector and in non-Member economies, the following priority areas for future action and ways to move forward were identified for the 2008-2009 implementation cycle. It was also agreed that the duration of the 2009 Annual Meeting should be extended to facilitate an in-depth exchange of concrete experiences on the functioning of the Guidelines at that meeting.

Peer learning: NCPs need to learn more from each other. This could be done through a more frequent and in-depth exchange of concrete experiences, notably in handling specific instances, promoting the use of the Guidelines in supply chains and communicating with stakeholders. Voluntary peer reviews of individual performance could also be envisaged as a two way-learning process. The Dutch NCP volunteered to be the first NCP to engage in peer reviews, which could be held in May 2009. Austria, Norway and the United Kingdom also announced their intention to be among the “reviewers” in this undertaking. It was also suggested that the criteria discussed with Professor Ruggie in his presentation on his April 2008 report on non-judicial grievance mechanisms could be taken into account to assess NCP performance in implementing specific instances. Further consideration should be given to improving performance data with a particular focus on distinguishing between performance and satisfaction and on performance matters that are within NCPs’ control.

Good offices and proactive access to mediation and conciliation. It was widely acknowledged that NCP good offices or proactive NCP facilitation to consensual and non-adversarial means such as mediation or conciliation remain one of the core functions of NCPs. However, NCPs need to build the necessary skills or resources to make such a contribution to the resolution of disputes. The next Annual Meeting could thus set aside time to discuss with invited experts ways to enhance the skills of NCPs or their capacity in facilitating mediation by third parties. NCPs may find it useful to review the “tips” for effective mediation identified at the 2006 Corporate Responsibility Roundtable.

Parallel proceedings also continue to stand out as one of the most important challenges in making full use of the specific instance facility. While this matter is a complex one, it should not be used as an excuse for not considering or postponing consideration of a specific case. It was also noted more and more disputes, notably in the United States, are being mediated outside the courts. The 2006 Annual Report identified a list of considerations to be taken into account by NCPs in their decisions to consider specific instances involving parallel proceedings and provided an analysis of the possible sources of “value added” of the NCPs involvement in such situations. NCPs should take advantage of this work.

Making greater use of the wide applicability of the Guidelines in promotional activities. The promotion of the Guidelines is also a core function of NCPs and this activity plays a determinant role in
engaging companies in responsible business conduct. Some chapters of the Guidelines remain unexplored as a promotional tool and further discussion on how to develop this potential will be valuable.

Coping with limited resources. Given the resource constraints of some NCPs in fulfilling their duties, it was suggested to the Investment Committee that the note transmitting the Annual Report to Council could include an invitation to adhering governments inviting them to take appropriate action.

Notes

1  At their 2007 Annual Meeting, OECD Ministers invited the Organisation to organise in conjunction with the ILO a high-level meeting in 2008 with the involvement of major non-OECD economies and social partners in order to support private sector effort in the area of employment and industrial relations within the framework provided by the OECD Guidelines for Multinational Enterprises. Shortly thereafter, the G8 countries committed themselves to actively promote internationally agreed corporate social responsibility and labour standards, notably the OECD Guidelines and the ILO Tripartite Declaration concerning Multinational Enterprises and Social Policy (ILO MNE Declaration).

2  Argentina, Australia, Czech Republic, Egypt, Germany, Greece, Luxembourg, Ireland, Israel, Italy, Mexico, New Zealand, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, Turkey and United States.

3  Brazil, Canada, Hungary, Japan, Iceland, Korea and United Kingdom.

4  Romania’s NCP is comprised of government and business representatives.

5  Belgium, Denmark, Estonia, France, Latvia, Lithuania, Luxembourg, Norway and Sweden. Several of these also have multiple governmental department NCPs.

6  Chile and Finland.

7  In 2007, the Dutch NCP has been changed from an interdepartmental office to a mixed structure consisting of four independent experts and four advisors from four ministries.

8  The report by the Working Party of the Investment Committee “Review of NCP Performance: Key Findings” analyses the structural changes that have occurred since the 2000 Revision of the Guidelines.

9  These changes in Dutch and UK NCP structures are described in greater deal the above cited report.

10  Further information can be found in www.oecd.org/daf/investment.

11  For further details refer to page 29 and 30 of the 2007 Annual Report of the OECD Guidelines for Multinational Enterprises which can be accessed at www.oecd.org/daf/investment/instruments.

12  DSG Amano’s speech can be found at www.tuac.org.

13  See http://www.transparency.org/publications/publications/wp_03_2008_oecd

14  The number of specific instances actively taken up by NCPs is the number of specific instances listed in Annex 3, adjusted for specific instances that are listed more than once on the Annex table because more than one NCP was involved and more than one reported on the specific instance in the Annex table.


16  Outlined in paragraph 92, page 24 of Professor Ruggies’ report to the Human Rights Council on 7 April 2008 [A/HRC/8/5]
## ANNEX I

### STRUCTURE OF THE NATIONAL CONTACT POINTS

<table>
<thead>
<tr>
<th>Country</th>
<th>Composition of the NCP</th>
<th>Governmental Location of the NCP</th>
<th>Other Ministries and/or Agencies involved*</th>
<th>Comments and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina</strong></td>
<td>Single department</td>
<td>OECD Coordination Unit - National Directorate of International Economic Negotiations (DINEI) Ministry of Foreign Affairs, International Trade and Worship</td>
<td>Foreign Investment Review Board</td>
<td>The NCP has been coordinated with other government departments, business, labour and civil society and having in mind the experiences that has got from these Contacts Points and its conviction that other areas of government might be involved, is working hard to present a new scheme in order to fulfill the complexities of incoming presentations.</td>
</tr>
<tr>
<td><strong>Australia</strong></td>
<td>Single department</td>
<td>Foreign Investment and Trade Policy Division of the Ministry of Treasury</td>
<td>Foreign Investment Review Board</td>
<td>The Australian NCP liaises with other government departments as necessary and holds community consultations with business, trade unions and other NGO representatives.</td>
</tr>
<tr>
<td><strong>Austria</strong></td>
<td>Single department</td>
<td>Export and Investment Policy Division, Federal Ministry of Economics and Labour</td>
<td>Other divisions of the Federal Ministry of Economics and Labour The Federal Chancellery and other Federal Ministries concerned</td>
<td>An Advisory Committee composed of representatives from other Federal government departments, social partners and interested NGOs supports the NCP. The Committee has its own rules of procedure, met three times over the review period and discussed all Guidelines-related business.</td>
</tr>
<tr>
<td><strong>Belgium</strong></td>
<td>Tripartite with representatives of business and labour organisations as well as with representatives of the federal government and regional governments</td>
<td>Federal Public Service of Economy, PMEs, Middle Classes and Energy</td>
<td>Federal Public Service of Environment Federal Public Service of Labour Federal Public Service of Foreign Affairs Federal Public Service of Finance Federal Public Service of Justice Region of Brussels Flemish Region Walloon Region</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>COMPOSITION OF THE NCP</td>
<td>GOVERNMENTAL LOCATION OF THE NCP</td>
<td>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</td>
<td>COMMENTS AND NOTES</td>
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</tbody>
</table>
| Brazil    | Interministerial body composed of 8 ministries and the Central Bank | Ministry of Finance             | Ministry of Foreign Affairs  
Ministry of Labour and Employment  
Ministry of Planning, Budget and Management  
Ministry of Justice  
Ministry of Environment  
Ministry of Science and Technology  
Ministry of Development, Industry and Trade  
Ministry of Agriculture  
Brazilian Central Bank                                                                 | Representatives from other government offices can be asked to participate as well as other entities. In April 2007, the Brazilian NCP issued a decision to regularly invite CUT, the largest Brazilian labour union, to the forthcoming meetings. Other institutions have also been invited to the NCP meetings, like the NGO ETHOS Institute, the National Confederation of Industry – CNI, and the SOBEET (Brazilian Society for Transnational Enterprises and Globalisation Studies). |
| Canada    | Interdepartmental Committee                 | Foreign Affairs and International Trade Canada | Industry Canada  
Human Resources and Social Development Canada  
Environment Canada  
Natural Resources Canada  
Department of Finance  
Canadian International Development Agency                                                                 | Other departments and agencies participate on an “as required” basis, e.g., Export Development Canada. Key interlocutors in the business and labour communities include the Canadian Chamber of Commerce, the Canadian Labour Congress and the Confédération des syndicats nationaux. |
| Chile     | In the process of restructuring             | Ministry of Foreign Affairs, Directorate of International Economic Relations | Ministry of Labour and Social Affairs  
Ministry of Industry and Trade  
Ministry of Interior  
Ministry of Justice  
Ministry of Foreign Affairs  
Ministry of the Environment  
Czech National Bank  
Office for the Protection of Economic Competition  
Czech Statistical Office  
Securities Commission  
CzechInvest                                                                 | The NCP consults regularly with business, trade unions and other NGO representatives. |
| Czech Republic | Single Department                          | Ministry of Finance             | Ministry of the Environment  
Ministry of Economic and Business Affairs                                                                 | The NCP works in co-operation with the social partners.  
The NCP continues in co-operation with the NGOs, especially with the Czech OECD Watch member. |
| Denmark   | Tripartite with several ministries          | Ministry of Employment Ministry of Foreign Affairs | Ministry of the Environment  
Ministry of Economic and Business Affairs                                                                 |                                                                 |
<table>
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<tr>
<th>Country</th>
<th>COMPOSITION OF THE NCP</th>
<th>GOVERNMENTAL LOCATION OF THE NCP</th>
<th>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</th>
<th>COMMENTS AND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finland</td>
<td>Quadri-partite with several ministries and civil society partners</td>
<td>Advisory Committee on International Investment and Multinational Enterprises (MONIKA), Ministry of Employment and the Economy</td>
<td>Ministry of Employment and the Economy, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Social Affairs and Health, Ministry of Environment</td>
<td>The Advisory Committee on International Investment and Multinational Enterprises of Finland (MONIKA), which operates under the auspices of the Ministry of Employment and the Economy as a wide-scoped forum of public and private representatives for issues related to investments, acts as the Finnish NCP. The MONIKA Committee, which has been established by Government Decree 335/2001, takes care of the promotion of the Guidelines as important principles of Corporate Social Responsibility and serves as an advisory forum in other issues related to the Investment Committee. The Ministry of Employment and the Economy is responsible for the handling of inquiries and the implementation in Specific Instances. Committee members come from various ministries, business and labour organisations and NGOs. Social partners are represented in the NCP by the Confederation of Finnish Industries EKs, the Finnish Section of the International Chamber of Commerce (ICC) and the Central Organization of Finnish Trade Unions (SAK). The NGOs are represented by FinnWatch, the Finnish Association for Nature Conservation and Kuluttajat-Konsumenterna (‘The Consumers’), a Finnish consumers’ organisation. The committee has met several times over the review period.</td>
</tr>
<tr>
<td>Country</td>
<td>Composition of the NCP</td>
<td>Governmental Location of the NCP</td>
<td>Other Ministries and/or Agencies Involved*</td>
<td>Comments and Notes</td>
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<td>------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>France</td>
<td>Tripartite with several ministries</td>
<td>Treasury Department, Ministry of Economy and Finance</td>
<td>Ministry of Labour, Ministry of Environment, Ministry of Foreign Affairs</td>
<td>An Employers’ Federation and six Trade Union Federations are part of the NCP.</td>
</tr>
<tr>
<td>Hungary</td>
<td>Interdepartmental Office</td>
<td>Ministry of Economy and Transport</td>
<td>Ministry of Economy and Transport</td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>Interdepartmental Office</td>
<td>Ministry of Business Affairs</td>
<td>Ministry of Finance</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Single Department</td>
<td>Bilateral Trade Promotion Unit, Department of Enterprise, Trade and Employment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Israel</td>
<td>Single department</td>
<td>Ministry of Trade, Industry and Labour</td>
<td>Ministry of Foreign Affairs, Ministry of Finance, Ministry of Environment, Ministry of Justice</td>
<td>An Advisory Committee has been composed of representatives from those ministries mentioned in the previous column, and business and employee organisations.</td>
</tr>
</tbody>
</table>

*Other Ministries and/or Agencies Involved*
<table>
<thead>
<tr>
<th>Country</th>
<th>COMPOSITION OF THE NCP</th>
<th>GOVERNMENTAL LOCATION OF THE NCP</th>
<th>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</th>
<th>COMMENTS AND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Single Department</td>
<td>General Directorate for Industrial Policy Ministry of Economic Development</td>
<td>Ministry of Foreign Affairs Ministry of Environment Ministry of Economy and Finance Ministry of Justice Ministry of Welfare Ministry of Agriculture and Forest Policy Ministry of Health</td>
<td>The NCP works in close collaboration with representatives of social organisations and its Advisory Committee also includes members of the most important trade unions and business associations.</td>
</tr>
<tr>
<td>Korea</td>
<td>Interdepartmental office, with several ministries</td>
<td>Foreign Investment Subcommittee (Ministry of Knowledge Economy)</td>
<td>Ministry of Strategy and Finance Ministry of Foreign Affairs and Trade Ministry of Environment Ministry of Labour, etc</td>
<td>Ministry titles have been changed.</td>
</tr>
<tr>
<td>Latvia</td>
<td>The OECD Consultative Board - Interministerial body including representatives of business &amp; labour organisations</td>
<td>Economic Relations Department, Ministry of Foreign Affairs</td>
<td>Ministry of Economics Ministry of Environment Ministry of Finance Ministry of Welfare Latvian Investment and Development Agency Corruption Prevention and Combating Bureau Employer’s Confederation of Latvia Free Trade Union Confederation</td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>Tripartite with representatives of business and labour organisations as well as with representatives of government</td>
<td>Ministry of Economy</td>
<td>Trade Union “Solidarumus” Confederation of Trade Unions Labour Federation Confederation of Business Employers Confederation of Industrialists</td>
<td>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.</td>
</tr>
<tr>
<td>Country</td>
<td>NCP Structure</td>
<td>Governmental Location</td>
<td>Other Ministries and/or Agencies Involved*</td>
<td>Comments and Notes</td>
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</tbody>
</table>
| Luxembourg  | Tripartite              | Ministry of Economics | Ministry of Economics  
General Inspector of Finances  
STATEC  
Ministry of Finance  
Employment Administration  
Ministry of Labour and Employment  
3 Employers’ federations  
2 Trade union federations | The NCP works in close co-operation with other concerned departments. |
| Mexico      | Single Department       | Ministry of Economy   | Ministry of Social Affairs and Employment  
Ministry of Housing, Spatial Planning and Environment  
Ministry of Foreign Affairs | Regular consultations with all stakeholders. The board consists of four persons including a chairman with each a background in one of the various stake holding groups in society. |
| Netherlands | Independent Board (NCP Secretariat) | Ministry of Economic Affairs  
Ministry of Social Affairs and Employment  
Ministry of Housing, Spatial Planning and Environment  
Ministry of Foreign Affairs | A Liaison Group comprising representatives of other government departments, social partners and NGOs, supports the NCP. The NCP also liaises with other government departments and agencies as necessary. |
| New Zealand | Single Department       | Ministry of Economic Development | All departments, particularly the Ministry of Foreign Affairs and Trade, Department of Labour, Ministry for the Environment and Treasury | |
| Norway      | Tripartite, with several ministries | Section for Economic, Commercial and CSR Affairs  
Ministry of Foreign Affairs | Ministry of Foreign Affairs  
Ministry of Trade and Commerce  
Norwegian Confederation of Trade Unions  
Confederation of Norwegian Enterprise | |
| Poland      | Single Department       | Polish Information and Foreign Investment Agency (PAiIZ) | The Polish Information and Foreign Investment Agency (PAiIZ) is supervised by the Ministry of the Economy. |
| Portugal    | Single Department       | ICEP Portugal  
Ministry of Economy and Innovation | |

*C= The NCP is a governmental body responsible for coordinating national policies related to immigration, labor, and social issues. The table lists the countries and their respective NCP structures, government locations, other involved agencies, and notes on their operations and collaborations.
<table>
<thead>
<tr>
<th>Country</th>
<th>Structure</th>
<th>Governmental Location of the NCP</th>
<th>Other Ministries and/or Agencies Involved*</th>
<th>Comments and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>Bipartite Structure</td>
<td>Coordination – Ministry for Small and Medium-sized Companies, Trade, Tourism and Liberal Professions and Ministry of Foreign Affairs. Executive function – Business Environment Unit and Romanian Agency for Foreign Investment. Technical secretariat Ministry of Foreign Affairs and Romanian Agency for Foreign Investment</td>
<td>Ministry of Foreign Affairs Ministry of Economy and Finance Ministry of Justice Ministry of Education and Research and Youth Ministry of Labour, the Family and Equal Opportunities Ministry of Transport Ministry of Development, Public Works and Housing Ministry of Environment and Sustainable Development Ministry for Small and Medium-sized Companies, Trade, Tourism, and Liberal Professions Romanian Agency for Foreign Investment Business Environment Unit Institute for Economic Research Alliance of Romanian Employers’ Association Confederation Chamber of Commerce and Industry of Romania</td>
<td>Depending on the issue under debate within the Romanian National Contact Point, the consultation process is extended to other representatives from governmental and nongovernmental institutions, patronages and civil society.</td>
</tr>
<tr>
<td>Slovak Republic</td>
<td>Single Department</td>
<td>Ministry of Economy</td>
<td>Slovak Investment and Trade Development Agency (SARIO) as well as the Ministry of Finance of the Slovak Republic and the Ministry of Labour, Social Affairs and Family of the Slovak Republic as both are one of the investment aid providers.</td>
<td>Strategic investment department is a single department in the Ministry of Economy, under the Section of strategy.</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Single Department</td>
<td>Ministry of the Economy</td>
<td>Other ministries and other parts of the Ministry of the Economy Public Agency for Entrepreneurship and Foreign Investments (JAPTI) Slovene Export and Development Bank (SID)</td>
<td>The Slovene NCP is in the restructuring phase. No final decision has been made yet.</td>
</tr>
<tr>
<td>Country</td>
<td>NCP Structure</td>
<td>Office/Department Details</td>
<td>Other Ministries and/or Agencies Involved*</td>
<td>Comments and Notes</td>
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<tr>
<td>Sweden</td>
<td>Tripartite, with several ministries</td>
<td>Division for International Trade Policy, Ministry for Foreign Affairs</td>
<td>Ministry for Foreign Affairs, Ministry of the Environment, Ministry of Employment, Ministry of Enterprise, Energy and Communications</td>
<td>The Ministry for Foreign Affairs, Division for International Trade Policy, chairs the NCP and has the ultimate responsibility for its work and its decisions.</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Single Department</td>
<td>International Investment and Multinational Enterprises Unit, State Secretariat for Economic Affairs</td>
<td></td>
<td>The Swiss NCP liaises with other government departments as necessary. Ad-hoc committees are set up to deal with specific instances procedures. The NCP has frequent contacts with business organisations, employee organisations and interested NGOs. A consultative group composed of stakeholders meets in principle once a year and is provided with essential information as required.</td>
</tr>
<tr>
<td>Turkey</td>
<td>Single Department</td>
<td>General Directorate of Foreign Investment, Undersecretariat of Treasury</td>
<td></td>
<td>Depending on the issue under debate, the consultation and fact finding processes are extended to other governmental offices.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Bipartite</td>
<td>Department for Business, Enterprise and Regulatory Reform, Department for International Development</td>
<td>Attorney General’s Office, Department for Environment, Food and Rural Affairs, Department for Constitutional Affairs, Department for Work and Pensions Export Credit Guarantee Department</td>
<td>A cross-Group Steering Board oversees work of the NCP. The Board includes external members drawn from outside Government, selected for their experience in business, employee relations and issues of concern to NGO’s. Other Government Departments and agencies with an interest in the OECD Guidelines are also represented. On a day to day level, the NCP liaises with other government departments as necessary and has regular informal contacts with business, trade union and NGO representatives.</td>
</tr>
<tr>
<td>United States</td>
<td>Single Department</td>
<td>Office of Investment Affairs, Bureau of Economic and Business Affairs, United States Department of State</td>
<td>The US NCP queries other agencies as needed and, when necessary, an interagency committee chaired by the Office of Investment Affairs meets to discuss Guidelines issues. Business, labour and civil society organisations are consulted regulatory via the Advisory Council on International Economic Policy or individually on an ad hoc basis.</td>
<td></td>
</tr>
</tbody>
</table>

Note: * The information provided here is based on the ministries and/or government agencies explicitly mentioned in the NCP reports.
ANNEX II.

SPECIFIC INSTANCES CONSIDERED BY NATIONAL CONTACT POINTS TO DATE

This table provides an archive of specific instances that have been or are being considered by NCPs. The table seeks to improve the quality of information disclosed by NCPs while protecting NCPs’ flexibility – called for in the June 2000 Council Decision – in determining how they implement the Guidelines. Discrepancies between the number of specific instances described in this table and the number listed in Section IV.a could arise for at least two reasons. First, there may be double counting – that is, the same specific instance may be handled by more than one NCP. In such situations, the NCP with main responsibility for handling the specific instance would generally note its co-operation with other NCPs in the column “NCP concerned”. Second, the NCP might consider that it is not in the interests of effective implementation of the Guidelines to publish information about the case (note that recommendation 4.b. states that “The NCP will… make publicly available the results of these procedures unless preserving confidentiality would be in the best interests of effective implementation of the Guidelines”). The texts in this table are submitted by the NCPs. Company, NGO and trade union names are mentioned when the NCP has mentioned these names in its public statements or in its submissions to the Secretariat.
### Specific Instances Considered by National Contact Points to Date

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<tr>
<th>NCP concerned</th>
<th>Issue dealt with</th>
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<th>Status</th>
<th>Final Statement</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Argentine subsidiary of a multinational enterprise involving employment relations</td>
<td>Dec 2004</td>
<td>Argentina</td>
<td>II. General Policies IV. Employment and Labour Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The instance after the acquisition of the BNL by another multinational bank (HSBC) of 100% of the stock has not been followed up. Since last year no new presentations have been made and the NCP has closed its involvement in the case. Requests contained in the original presentation have been partially met. Nevertheless some areas of disagreement persist between the original parties of the specific instance reported last year. The final settlement is still pending.</td>
</tr>
<tr>
<td>Argentina</td>
<td>The NCP received a request from the Argentine Miller’s Labour Union (Unión Obrera Molinera Argentina) regarding an alleged non-observance of the OECD Guidelines by CARGILL S.A. a multinational operating in the food sector.</td>
<td>Nov 2006</td>
<td>Argentina</td>
<td>II. General Policies III. Disclosure IV. Employment and labour relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Both parties reached a solution and the agreement was formalized on July 31, 2007.</td>
</tr>
<tr>
<td>Argentina</td>
<td>The NCP received a request of non-observance of Guidelines recommendations on bribery and taxation by a Sweden multinational enterprise.</td>
<td>Nov 2007</td>
<td>Argentina</td>
<td>VI. Bribery X. Taxation</td>
<td>Ongoing</td>
<td></td>
<td>The NCP accepted the specific instance on November 26, 2007. Both parties involved agreed to negotiate in good faith in order to achieve a win – win solution. The negotiations are continuing in search of an agreement that reflects the consensus of the parties</td>
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<thead>
<tr>
<th>NCP concerned</th>
<th>Issue dealt with</th>
<th>Date of Notification</th>
<th>Host Country</th>
<th>Guidelines Chapter</th>
<th>Status</th>
<th>Final Statement</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>The NCP received a non-observance of labour relations and bribery by a French multinational enterprise.</td>
<td>Nov 2007</td>
<td>Argentina</td>
<td>II. General Policies IV Employment and labour relations VI. Bribery</td>
<td>Ongoing</td>
<td></td>
<td>The request is being dealt with by NCP authorities.</td>
</tr>
<tr>
<td>Australia</td>
<td>GSL (Australia) Pty Ltd – an Australian incorporated wholly-owned subsidiary of a UK controlled multinational – Global Solutions Limited</td>
<td>June 2005</td>
<td>Australia</td>
<td>II. General Policies VII. Consumer Interests</td>
<td>Concluded</td>
<td>Yes</td>
<td>The examination was successfully concluded in 8 months from the date that the specific instance was raised. All parties were satisfied with the outcome with a list of 34 agreed outcomes produced. The statement issued is available on the website at <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a>.</td>
</tr>
<tr>
<td>Australia</td>
<td>Australia and New Zealand Banking Group Ltd (ANZ)</td>
<td>August 2006</td>
<td>Papua New Guinea</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP concluded that there was no specific instance to answer and issued an official statement which is available on the website at <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a>.</td>
</tr>
<tr>
<td>Austria</td>
<td>Mining activities and the resettlement and compensation of the occupants of the land.</td>
<td>July 2007</td>
<td>Colombia</td>
<td>II. General Policies</td>
<td>Ongoing</td>
<td>-</td>
<td>This instance is being jointly considered with the UK and Swiss NCPs.</td>
</tr>
<tr>
<td>Austria</td>
<td>Textile industry</td>
<td>Nov 2004</td>
<td>RD Congo</td>
<td>Various</td>
<td>Concluded</td>
<td>Yes</td>
<td>No consensus reached.</td>
</tr>
<tr>
<td>Austria</td>
<td>Pharmaceuticals</td>
<td>Mar 2006</td>
<td>Sri Lanka</td>
<td>IV. Employment and Industrial relations</td>
<td>Ongoing</td>
<td>-</td>
<td>Mediation efforts continue</td>
</tr>
<tr>
<td>Belgium</td>
<td>Marks and Spencer's announcement of closure of its stores in Belgium</td>
<td>May 2001</td>
<td>Belgium</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Belgian NCP issued a press release on 23 December 2001.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Forrest Group</td>
<td>Sept 2003</td>
<td>RD Congo</td>
<td>Not specified in the UN report</td>
<td>Concluded</td>
<td>Yes</td>
<td>The case was handled in together with the NGO complaint.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<tr>
<td>Belgium</td>
<td>KBC/DEXIA/ING</td>
<td>Mai 2004</td>
<td>Azerbaijan, Georgia and Turkey</td>
<td>I Concepts and Principles II. General Policies III. Disclosure V. Environment</td>
<td>Concluded</td>
<td></td>
<td>UK NCP.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Belgolaise</td>
<td>Nov 2004</td>
<td>RD Congo</td>
<td>II. General Policies</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Under consideration. There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Pharmaceutical company</td>
<td>January 2008</td>
<td>Belgium</td>
<td>II. General Policies III. Disclosure VI. Combating bribery VII. Consumer interests IX. Competition</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Workers representation in labour unions</td>
<td>26 Sept 2002</td>
<td>Brazil</td>
<td>Chapter IV, article 1</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>Nov 2003</td>
<td>Brazil</td>
<td>Chapter IV, article 6</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Construction of a dam that affected the environment and dislodged local populations</td>
<td>2004</td>
<td>Brazil</td>
<td>Article V</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>December 12, 2005</td>
<td>Brazil</td>
<td>Chapter II, article 02, and Chapter IV, articles 1(a), 2(a), 4(a), 7 and 8</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>NCP concerned</td>
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</tr>
<tr>
<td>Brazil</td>
<td>Environment and workers’ health issues</td>
<td>8 May 2006</td>
<td>Brazil</td>
<td>Chapter V, articles 1 and 3</td>
<td>Concluded</td>
<td>Yes</td>
<td>After a long mediation, several meetings and contacts held with the opposing parties, on March 25th 2008, the Brazilian NCP decided to close the complaint held against the multinational enterprise Shell through a comprehensive final Report in Portuguese.</td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>26 Sept 2006</td>
<td>Brazil</td>
<td>Chapter IV, article 6</td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Refusal to negotiate with labor union</td>
<td>6 March, 2007</td>
<td>Brazil</td>
<td>Chapter IV, articles 01 (a), 02 (a, b, c), 03 and 08</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>7 March, 2007</td>
<td>Brazil</td>
<td>Several articles of Chapter II and IV</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Refusal to negotiate with labor union</td>
<td>19 April, 2007</td>
<td>Brazil</td>
<td>Chapter IV, articles 01 (a), 01 (d), 02 (a), 02 (b), 02 (c), 03, 04 (a), 04 (b) and 06</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Canada, Switzerland</td>
<td>The impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company</td>
<td>July 2001</td>
<td>Zambia</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>No</td>
<td>With the Canadian NCP acting as a communications facilitator, a resolution was reached after the company met with groups from the affected communities. The Canadian NCP sent a final communication to the Canadian company [<a href="http://www.ncp-pcn.gc.ca/annual_2002-en.asp">www.ncp-pcn.gc.ca/annual_2002-en.asp</a>]. The Swiss company was kept informed of developments</td>
</tr>
<tr>
<td>Canada</td>
<td>Follow-up to allegations made in UN Experts Report on DRC</td>
<td>December 2002</td>
<td>Democratic Republic of Congo</td>
<td>Not specified in UN Report</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The NCP accepted the conclusions of the UN Panel’s final report and has made enquiries with the one Canadian company identified for follow-up.</td>
</tr>
<tr>
<td>Canada</td>
<td>Complaint from a Canadian labour organization about Canadian business activity in a non-adhering country</td>
<td>Nov 2002</td>
<td>Myanmar</td>
<td>Employment and Industrial Relations; Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP was unsuccessful in its attempts to bring the parties together for a dialogue.</td>
</tr>
<tr>
<td>NCP concerned</td>
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</tr>
<tr>
<td>Canada</td>
<td>Complaint from a coalition of NGOs concerning Canadian business activity in a non-adhering country</td>
<td>May 2005</td>
<td>Ecuador</td>
<td>I, Concepts and Principles II, General Policies III, Disclosure V, Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>Following extensive consultation and arrangements for setting up the dialogue, the NGOs withdrew their complaint in January 2005 in disagreement over the set terms of reference for the meeting.</td>
</tr>
<tr>
<td>Chile</td>
<td>Marine Harvest, Chile, a subsidiary of the multinational enterprise NUTRECO was accused of not observing certain environmental and labour recommendations. The NGOs Ecoceanos of Chile and Friends of the Earth of the Netherlands asked the Chilean NCP to take up the specific instance</td>
<td>Oct 2002</td>
<td>Chile</td>
<td>IV. Employment and Industrial Relations; V. Environment</td>
<td>Concluded August 2004</td>
<td>Yes</td>
<td>The case had an important impact on the country and above all on the regions where the units of the enterprise are established. The case concluded with a dialogue process in which the parties to the instance and other actors participated. The parties accepted the procedure adopted by the NCP as well as most of the recommendations contained in the report of the NCP. The OECD Environmental Policy Report on Chile cites this specific instance in a positive way.</td>
</tr>
<tr>
<td>Chile</td>
<td>La Centrale Unitaire de Travailleurs du Chili (CUTC) dans le cas de Unilever</td>
<td>June 2005</td>
<td>Chile</td>
<td>IV. Employment and Industrial Relations; V. Environment</td>
<td>Concluded November 2005</td>
<td>Yes</td>
<td>The parties accepted the procedure and conclusions of the NCP. See website for final report.</td>
</tr>
<tr>
<td>Chile</td>
<td>ISS Facility Services S.A.</td>
<td>April 2007</td>
<td>Denmark</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>Currently being considered.</td>
</tr>
<tr>
<td>Chile</td>
<td>Banque du Travail du Perou</td>
<td>April 2007</td>
<td>Peru</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>Currently being considered.</td>
</tr>
<tr>
<td>Chile</td>
<td>Entreprise Zaldivar, subsidiary of the Canadian firm Barrick Gold</td>
<td>2007</td>
<td>Canada</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>Currently being considered.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a German-owned multinational enterprise</td>
<td>2001</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The parties reached agreement soon after entering into the negotiations.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<tr>
<td>Czech Republic</td>
<td>The labour management practices of the Czech subsidiary of a German-owned multinational enterprise</td>
<td>2001</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Four meetings organised by the NCP took place. At the fourth meeting it was declared that a constructive social dialogue had been launched in the company and there was no more conflict between the parties.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>A Swiss-owned multinational enterprise’s labour management practices</td>
<td>April 2003</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The parties reached an agreement during the second meeting in February 2004</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a multinational enterprise</td>
<td>Jan 2004</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>n.a.</td>
<td>An agreement between employees and the retail chain store has been reached and union contract signed.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a multinational enterprise</td>
<td>Feb 2004</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>Yes</td>
<td>The Czech NCP closed the specific instance at the trade union’s (submitter’s) request, August 2004</td>
</tr>
<tr>
<td>Denmark</td>
<td>Trade union representation in Danish owned enterprise in Malaysia</td>
<td>Feb 2002</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>Connection of entity to Denmark could not be established</td>
</tr>
<tr>
<td>Denmark</td>
<td>Trade union representation in plantations in Latin America</td>
<td>April 2003</td>
<td>Ecuador and Belize</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>Connection of entity to Denmark could not be established</td>
</tr>
<tr>
<td>Denmark</td>
<td>Several questions in relation to logging and trading of wood by a Danish enterprise in Cameroon, Liberia and Burma</td>
<td>Mar 2006</td>
<td>Cameroon, Liberia and Burma</td>
<td>Several chapters (e.g. II, IV, V and IX)</td>
<td>Ongoing</td>
<td>Not relevant at this stage</td>
<td>Specific instance initially assessed, specific instance raised by NGO (Nepenthes)</td>
</tr>
<tr>
<td>Finland</td>
<td>Finnvera plc/Botnia SA paper mill project in Uruguay</td>
<td>Nov 2006</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment VI. Bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finland’s NCP concluded on 8 Nov 2006 that the request for a specific instance did not merit further examination. The nature of Finnvera Oy’s special financing role and the company’s position as a provider of state export guarantees (ECA) was considered.</td>
</tr>
<tr>
<td>Finland</td>
<td>Botnia SA paper mill project in Uruguay / Botnia SA/Metsa-Botnia Oy</td>
<td>Dec 2006</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment VI. Bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finland’s NCP considered on 21 Dec 2006 that Botnia SA/Metsa-Botnia Oy had not violated the OECD Guidelines in the pulp mill project in Uruguay.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
<td>Status</td>
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<tr>
<td>France</td>
<td>Forced Labour in Myanmar and ways to address this issue for French multinational enterprises investing in this country</td>
<td>Jan 2001</td>
<td>Myanmar</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Adoption of recommendations for enterprises operating in Myanmar. The French NCP issued a press release in March 2002, see <a href="http://www.minefi.gouv.fr/directions_service/dgtpe/pcn/compcn280302.htm">www.minefi.gouv.fr/directions_service/dgtpe/pcn/compcn280302.htm</a></td>
</tr>
<tr>
<td>France</td>
<td>Closing of Aspocomp, a subsidiary of OYJ (Finland) in a way that did not observe the Guidelines recommendations relating to informing employees about the company's situation</td>
<td>April 2002</td>
<td>France</td>
<td>III.4 Disclosure</td>
<td>Concluded</td>
<td>Yes</td>
<td>A press release was published in October 2003, see <a href="http://www.minefi.gouv.fr/directions_service/dgtpe/pcn/compcn131103.htm">www.minefi.gouv.fr/directions_service/dgtpe/pcn/compcn131103.htm</a>.</td>
</tr>
<tr>
<td>France</td>
<td>Marks and Spencer’s announcement of closure of its stores in France</td>
<td>April 2001</td>
<td>France</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The French NCP issued a press release on 13 December 2001 <a href="http://www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn131201.htm">www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn131201.htm</a></td>
</tr>
<tr>
<td>France</td>
<td>Accusation of non-observance of Guidelines recommendations on the environment, informing employees and social relations</td>
<td>Feb 2003</td>
<td>France</td>
<td>V. Environment plus chapeau; III. Information and disclosure; IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Currently being considered; there is a parallel legal proceeding.</td>
</tr>
<tr>
<td>France</td>
<td>Dacia – conflict in a subsidiary of Group Renault on salary increases and about disclosure of economic and financial information needed for negotiating process</td>
<td>Feb 2003</td>
<td>Romania</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>A solution was found between the parties and the collective labour agreement was finalised on 12 March 2003.</td>
</tr>
<tr>
<td>France</td>
<td>Accusation of non-observance of the Guidelines in the areas of environment, “contractual” and respect of human rights by a consortium in which three French companies participate in a project involving the construction and operation of an oil pipeline</td>
<td>Oct 2003</td>
<td>Turkey, Azerbaijan and Georgia</td>
<td>II. General Policies</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In consultation with parties</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<td>Guidelines Chapter</td>
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<tr>
<td>France</td>
<td>EDF – Alleged non-observance of the Guidelines in the areas of environment and respect of human rights by the NTPC (in which EDF is leader) in a hydroelectric project in Nam-Theun River, Laos</td>
<td>Nov 2004</td>
<td>Laos</td>
<td>II. General policies V. Environment IX. Competition</td>
<td>Concluded</td>
<td>Yes</td>
<td>The French NCP issued a press release on 31 March 2005 <a href="http://www.minefi.gouv.fr/directions_service/s/dptpe/pcn/compcn010405.htm">www.minefi.gouv.fr/directions_service/s/dptpe/pcn/compcn010405.htm</a></td>
</tr>
<tr>
<td>France</td>
<td>Alleged non-observance of the Guidelines in the context of negotiations on employment conditions in which threats of transfer of some or all of the business unit had been made</td>
<td>Feb 2005</td>
<td>France</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>Labour conditions in a manufacturing supplier of Adidas</td>
<td>Sept 2002</td>
<td>Indonesia</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 24 May 2004 <a href="http://www.bmwi.de/go/nationale-kontakstelle">www.bmwi.de/go/nationale-kontakstelle</a></td>
</tr>
<tr>
<td>Germany</td>
<td>Employment and industrial relations in the branch of a German multinational enterprise</td>
<td>June 2003</td>
<td>Philippines</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 29 June 2007 <a href="http://www.bmwi.de/go/nationale-kontakstelle">www.bmwi.de/go/nationale-kontakstelle</a></td>
</tr>
<tr>
<td>Germany</td>
<td>Child labour in supply chain</td>
<td>Oct 2004</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 30 August 2007 <a href="http://www.bmwi.de/go/nationale-kontakstelle">www.bmwi.de/go/nationale-kontakstelle</a></td>
</tr>
<tr>
<td>Hungary</td>
<td>Personal injury occurred in the plant of Visteon Hungary Ltd. Charge injury arising from negligence.</td>
<td>June 2006</td>
<td>Hungary</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>A joint statement was signed by the MoET and Visteon Hungary Ltd on 20 February 2007 but only released on 14 May 2007 when attempts to agree a trilateral statement were not successful.</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Israel</td>
<td>UN Expert Panel Report – DRC</td>
<td>2003</td>
<td>Democratic Republic of Congo</td>
<td>Not specified in Report</td>
<td>Concluded</td>
<td>No</td>
<td>Following an enquiry by the NCP, the accused company stopped illegitimate sourcing from DRC</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on human and labour rights</td>
<td>2005</td>
<td>China</td>
<td>IV Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Negative initial assessment. Undergoing further assessment.</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on labour rights and competition</td>
<td>2007</td>
<td>Italy</td>
<td>IV Employment and Industrial Relations IX. Competition</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The multiparty instance was concluded with an agreement with involved company.</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on labour rights</td>
<td>2007</td>
<td>Italy, India</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>In preliminary phase. The instance was concluded with an agreement with involved company.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of an Indonesian subsidiary of a Japanese company</td>
<td>Feb 2003</td>
<td>Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Being the labour dispute ceased in compliance with the decision of High Court in Indonesia, the NCPs do not see any necessity to take further action.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of a Malaysian subsidiary of a Japanese company</td>
<td>March 2003</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of a Philippines subsidiary of a Japanese company</td>
<td>March 2004</td>
<td>Philippines</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In consultation with parties concerned. There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of an Indonesian subsidiary of a Japanese company</td>
<td>May 2005</td>
<td>Indonesia</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Japan</td>
<td>Industrial relations of a Japanese subsidiary of a Swiss-owned multinational company</td>
<td>May 2006</td>
<td>Japan</td>
<td>II. General Policies III. Disclosure IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In consultation with parties concerned. After the initial assessment was made, the Japanese NCP has consultations with parties concerned including the Swiss NCP. There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Korea (consulting with US NCP)</td>
<td>Korean company’s business relations in Guatemala’s Textile and Garment Sector</td>
<td>2002</td>
<td>Guatemala</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>A resolution was reached after the management and trade union made a collective agreement on July 2003.</td>
</tr>
<tr>
<td>Korea (consulting with Switzerland)</td>
<td>A Swiss-owned multinational enterprises’ labour relations</td>
<td>2003</td>
<td>Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>This was concluded by common consent between the interested parties in November 2003. The Swiss NCP issued an intermediate press statement: <a href="http://www.seco.admin.ch/news/00197/index.html?lang=en">http://www.seco.admin.ch/news/00197/index.html?lang=en</a></td>
</tr>
<tr>
<td>Korea</td>
<td>Korean company’s business relations in Malaysia’s wire rope manufacturing sector</td>
<td>2003</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>* Korea’s NCP is engaged in Guidelines promotion and Specific Instances implementation in accordance with the rule for Korea’s NCP, which was established in May 2001.</td>
</tr>
<tr>
<td>Korea</td>
<td>Companies from guidelines adhering countries that are present in Korea</td>
<td>2007</td>
<td>Korea</td>
<td>III. Disclosure IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td>Korean companies in non-adhering countries</td>
<td>2007</td>
<td>Philippines</td>
<td>I. Concepts and Principles III. Disclosure IV. Employment and Industrial Relations VI. Combating Bribery</td>
<td>Ongoing</td>
<td></td>
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</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Mexico (consulting with the German NCP)</td>
<td>Closing of a plant</td>
<td>2002</td>
<td>Mexico</td>
<td>IV. Employment and Industrial relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Mexican NCP has closed the specific instance and reported at 2008 Annual Report of the National Contact Point of Mexico to the OECD Committee on International Investment and Multinational Enterprises (CIME) on 29 August 2008, <a href="http://www.economia.gob.mx/?P=5300_5304">http://www.economia.gob.mx/?P=5300_5304</a>.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Adidas’ outsourcing of footballs in India</td>
<td>July 2001</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>A resolution was negotiated and a joint statement was issued by the NCP, Adidas and the India Committee of the Netherlands on 12 December 2002 <a href="http://www.oecd.org/dataoecd/33/43/2489243.pdf">www.oecd.org/dataoecd/33/43/2489243.pdf</a></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Dutch trading company selling footballs from India</td>
<td>July 2001</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No investment nexus</td>
<td>After the explanation of the CIME on investment nexus it was decided that the issue did not merit further examination under the NCP.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>IHC CALAND’s activities in Myanmar to contribute to abolition of forced labour and address human rights issues</td>
<td>July 2001</td>
<td>Myanmar</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>After several tripartite meetings parties agreed on common activities and a joint statement. Parties visited the ambassador of Myanmar in London. Statement can be found in English on <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Closure of an affiliate of a Finnish company in the Netherlands</td>
<td>December 2001</td>
<td>Netherlands</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Labour unions withdraw their instance after successful negotiations of a social plan.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Labour unions requested the attention of the NCP due to a link of government aid to Dutch labour unions to help labour unions in Guatemala</td>
<td>March 2002</td>
<td>Guatemala/Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The specific instance was about a Korean company, the Korean NCP was already dealing with the instance. The Dutch NCP concluded by deciding that it did not merit further examination under the Dutch NCP.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
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<tr>
<td>Netherlands</td>
<td>Labour unions requested the attention of the NCP on a closure of a French affiliate in the U.S.A.</td>
<td>July 2002</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The link that the labour unions made was the fact that another affiliate of this French company in the Netherlands could use the supply chain paragraph to address labour issues. The Dutch NCP concluded by deciding that the specific instance was not of concern of the Dutch NCP and did not merit further examination.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of employees of an affiliate of an American company in the process of the financial closure of a company</td>
<td>Aug 2002</td>
<td>Netherlands</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>As the Dutch affiliate went bankrupt and the management went elsewhere, neither a tripartite meeting nor a joint statement could be realised. The NCP decided to draw a conclusion, based on the information gathered from bilateral consultations and courts' rulings (<a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a>).</td>
</tr>
<tr>
<td>Netherlands</td>
<td>On the effects of fish farming</td>
<td>Aug 2002</td>
<td>Chile</td>
<td>V. Environment</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The specific instance was dealt with by the Chilean NCP. The Dutch NCP acted merely as a mediator between the Dutch NGO and the Chilean NCP.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Chemie Pharmacie Holland BV and activities in the DRC.</td>
<td>July 2003</td>
<td>Democratic Republic of Congo</td>
<td>II.10. Supply chain IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Despite the lack of an investment nexus, the NCP decided to publicise a statement on lessons learned. (<a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a>)</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Closure of an affiliate of an American company in the Netherlands</td>
<td>Sept 2003</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Labour unions withdraw their instance after successful negotiations of a social plan.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<tr>
<td>Netherlands</td>
<td>Through supply chain provision address an employment issue between an American company and its trade union</td>
<td>Aug 2004 - April 2005</td>
<td>United States</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The link that the labour unions made was that a Dutch company, though its American affiliate could use the supply chain recommendation to address labour issues. The Dutch NCP discussed the matter with the Dutch company involved. Shortly thereafter the underlying issue between the American company and its trade union was solved.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Travel agencies organising tours to Myanmar</td>
<td>2003-2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Although not investment nexus, NCP decided to make a statement about discouraging policy on travel to Myanmar, see <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a> (in Dutch).</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of the employees of an Irish company in the Netherlands</td>
<td>Oct 2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The NCP decided that the specific instance, raised by a Dutch labour union, did not merit further examination, because of the absence of a subsidiary of a multinational company from another OECD country in the Netherlands.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Introduction of a 40 hrs working week in an affiliate in the Netherlands of an American company</td>
<td>Oct 2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Legal proceedings took care of labour union's concerns.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of employees and trade unions in a subsidiary of a Dutch company in Chile</td>
<td>July 2005</td>
<td>Chile</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>Labour Union requested the Dutch NCP to inquire after the follow up of an Interim report of the ILO Committee on Freedom of Association on the complaint against the Government of Chile.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Storage facility in Brasil of a Dutch multinational and its American partner: alleged improper seeking of exceptions to local legislation and endangering the health of employees and the surrounding community.</td>
<td>July 2006</td>
<td>USA</td>
<td>II. General Policies V. Employment and Industrial Relations</td>
<td>Pending</td>
<td>n.a.</td>
<td>The Dutch NCP has referred the notifying NGO to the NCP in Brasil and has offered its assistance in the handling of the instance.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<tr>
<td>Netherlands</td>
<td>Storage facilities in the Philippines of a Dutch multinational: alleged improper influencing of local decision making processes and of violating environmental and safety regulations.</td>
<td>May 2006</td>
<td>Philippines</td>
<td>II. General Policies III. Disclosure V. Employment and industrial Relations VI. Combating Bribery</td>
<td>Pending</td>
<td>No</td>
<td>Local legal proceedings caused an on-hold status for the NCP proceedings. Continuation is expected to take place in September.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Request by NCP of the USA to contact Dutch parent company of an American company, with regard to an instance concerning trade union rights.</td>
<td>July 2006</td>
<td>USA</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>n.a.</td>
<td>Report of the meeting between Dutch NCP and the Dutch company was sent to the NCP of the USA. In April 2007 an agreement was reached between parties.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Maltreatment of employees and de facto denial of union rights at a main garment supplier in India of a Dutch clothing company</td>
<td>October 2006</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>Yes, although the statement does not go into the merits of the case.</td>
<td>The case was found admissible and the NCP is now looking for an effective remedy in the ongoing process of mediation between the two parties. After a successful mediatory attempt beyond NCP-level between complainants and the Indian company, the specific instance was withdrawn on February 5, 2007.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Abuse of local corporate law by a subsidiary of a Dutch/British multinational, in order to dismiss employees without compensation.</td>
<td>October 2006</td>
<td>India</td>
<td>IV. Employment and Industrial Relations</td>
<td>Pending before UK NCP</td>
<td>n.a.</td>
<td>Case was brought to both the Dutch and UK NCP. The instance was decided admissible for the UK NCP. Facilitating role by the Dutch NCP.</td>
</tr>
</tbody>
</table>

Netherlands
Storage facilities in the Philippines of a Dutch multinational: alleged improper influencing of local decision making processes and of violating environmental and safety regulations.

May 2006 Philippines II. General Policies III. Disclosure V. Employment and industrial Relations VI. Combating Bribery Pending No

Local legal proceedings caused an on-hold status for the NCP proceedings. Continuation is expected to take place in September.

Netherlands
Request by NCP of the USA to contact Dutch parent company of an American company, with regard to an instance concerning trade union rights.

July 2006 USA IV. Employment and Industrial Relations Closed n.a.

Report of the meeting between Dutch NCP and the Dutch company was sent to the NCP of the USA. In April 2007 an agreement was reached between parties.

Netherlands
Maltreatment of employees and de facto denial of union rights at a main garment supplier in India of a Dutch clothing company

October 2006 India II. General Policies IV. Employment and Industrial Relations Closed Yes, although the statement does not go into the merits of the case.

The case was found admissible and the NCP is now looking for an effective remedy in the ongoing process of mediation between the two parties. After a successful mediatory attempt beyond NCP-level between complainants and the Indian company, the specific instance was withdrawn on February 5, 2007.

Netherlands
Abuse of local corporate law by a subsidiary of a Dutch/British multinational, in order to dismiss employees without compensation.

October 2006 India IV. Employment and Industrial Relations Pending before UK NCP n.a.

Case was brought to both the Dutch and UK NCP. The instance was decided admissible for the UK NCP. Facilitating role by the Dutch NCP.
<table>
<thead>
<tr>
<th>NCP concerned</th>
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<tbody>
<tr>
<td>New Zealand</td>
<td>Activities of a financial institution</td>
<td>October 2007</td>
<td>Papua New Guinea</td>
<td>II General Policies V Environment</td>
<td>Concluded</td>
<td>No</td>
<td>An initial assessment was conducted into a complaint regarding an MNE operating in a non-adhering country. The MNE was headquartered in an adhering country, and that country’s NCP had previously considered the specific instance. The NZNCP concluded that there was not a sufficient New Zealand link to the instance, so the complaint did not warrant further examination by the NZNCP. Toward effective operation of the Guidelines, the NZNCP passed relevant documents to the NCP in the country where the MNE is headquartered.</td>
</tr>
<tr>
<td>Norway</td>
<td>Contractual obligations of a Norwegian maritime insurance company following personal injury and death cases</td>
<td>2002</td>
<td>Philippines, Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>An initial assessment by the NCP concluded that the company had not violated the Guidelines and that the issue did not merit further examination.</td>
</tr>
<tr>
<td>Norway</td>
<td>Human rights in relation to provision of maintenance services to a detention facility in Guantanamo Bay</td>
<td>2005</td>
<td>United States</td>
<td>II.2 Human Rights</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP noted that provision of goods or services in such situations requires particular vigilance and urged the company to undertake a thorough assessment of the ethical issues raised by its contractual relationships.</td>
</tr>
<tr>
<td>Norway</td>
<td>Accusation of non-observance of Guidelines recommendations on transparency regarding financial information/environmental information. First case where the GL has been applied to the financial sector.</td>
<td>2006</td>
<td>Uruguay</td>
<td></td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>Violation of workers’ rights in a subsidiary of a multinational enterprise</td>
<td>2004</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In contact with representatives of parties involved.</td>
</tr>
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<tr>
<td>Poland</td>
<td>Violation of workers’ rights in a subsidiary of a multinational enterprise</td>
<td>2002</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Resumed</td>
<td>n.a.</td>
<td>In contact with representatives of parties involved.</td>
</tr>
<tr>
<td>Poland</td>
<td>Violation of women and workers’ rights in a subsidiary of a multinational enterprise</td>
<td>2006</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In contact with representatives of parties involved.</td>
</tr>
<tr>
<td>Portugal</td>
<td>Closing of a factory</td>
<td>2004</td>
<td>Portugal</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>After an initial assessment by the NCP, no grounds to invoke violation of the Guidelines were found so the process was closed in 2 months with the agreement of all parties involved.</td>
</tr>
<tr>
<td>Spain</td>
<td>Labour management practices in a Spanish owned company.</td>
<td>May 2004</td>
<td>Venezuela</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>Conflict in a Spanish owned company on different salary levels.</td>
<td>Dec 2004</td>
<td>Peru</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>Two Swedish companies’ (Sandvik and Atlas Copco) business relations in Ghana’s gold mining sector</td>
<td>May 2003</td>
<td>Ghana</td>
<td>IV. Employment and Industrial Relations V. Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Swedish NCP issued a statement in June 2003 <a href="www.oecd.org/dataoecd/16/34/15595594.pdf">link</a></td>
</tr>
<tr>
<td>Sweden</td>
<td>Applying the guidelines to the financial sector, liability by part-financing of construction of paper mill</td>
<td>2008</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment</td>
<td>Concluded</td>
<td>yes</td>
<td>The Swedish NCP issued a statement in January 2008 <a href="http://www.sweden.gov.se/content/1/c6/09/65/71/9e9e4a6b.pdf">link</a></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company</td>
<td>2001</td>
<td>Zambia</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>No</td>
<td>The specific instance was dealt with by the Canadian NCP (see information there). The Swiss company was kept informed of developments.</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Swiss multinational Nestlé’s labour relations in a Korean subsidiary</td>
<td>2003</td>
<td>Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The specific instance was dealt with by the Korean NCP (see information there). The Swiss NCP acted as a mediator between trade unions, the enterprise and the Korean NCP. The Swiss NCP issued an intermediate press statement: <a href="http://www.seco.admin.ch/news/00197/index.html?lang=en">link</a></td>
</tr>
<tr>
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<tr>
<td>Switzerland</td>
<td>Swiss multinational’s labour relations in a Swiss subsidiary</td>
<td>2004</td>
<td>Switzerland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>In the absence of an international investment context, the Swiss NCP requested a clarification from the Investment Committee. Based on that clarification (see 2005 Annual Meeting of the NCPs, Report by the Chair, p. 16 and 66), the Swiss NCP did not follow up on the request under the specific instances procedure. However, it offered its good services outside that context, and the issue was solved between the company and the trade union.</td>
</tr>
<tr>
<td>Switzerland (consulting with Austria and Germany)</td>
<td>Logistical support to mining operations in a conflict region</td>
<td>2005</td>
<td>Democratic Republic of Congo</td>
<td>Several chapters, including: II. General Policies III. Disclosure IV. Employment</td>
<td>Concluded</td>
<td>No</td>
<td>The Swiss NCP concluded that the issues raised were not in any relevant way related to a Swiss-based enterprise.</td>
</tr>
<tr>
<td>Switzerland (consulting with Australia and UK)</td>
<td>Activities of Swiss based multinational company and co-owner of the coal mine “El Cerrejon” in Colombia</td>
<td>2007</td>
<td>Colombia</td>
<td>Several chapters, including: I. Concepts and Principles (incl. Human Rights) II. General Policies V. Environment VI. Combating Bribery</td>
<td>Ongoing</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>BTC; activities of consortium led by British Petroleum</td>
<td>2002</td>
<td>Azerbaijan, Georgia, Turkey</td>
<td>II.5 Exemption from Regulation, III.1 disclosure, V.1 environmental management, V.2a information on environmental health/safety V.2b community consultation, V.4 postponement of environmental protection measures</td>
<td>Ongoing</td>
<td>Yes, but subsequently withdrawn</td>
<td>Final statement was completed but complainants have requested a review under procedural grounds which UK system allows. Review is on-going.</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>United Kingdom</td>
<td>DAS Air</td>
<td>2005</td>
<td>Democratic Republic of Congo</td>
<td>II.1 achieving sustainable development. II.2 human rights II.10 encourage business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the guidelines.</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Company is in receivership, NCP in contact with parties to agree final statement.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>NCP concerned</th>
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</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>G4S - Contribution to economic, social and environmental progress with a view to achieving sustainable development Freedom of association and collective bargaining</td>
<td>2006</td>
<td>Mozambique Malawi Israel Uganda DRC Nepal Greece USA</td>
<td>II. General policies IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever - Transfer of factory avoiding redundancy obligations Freedom of association and collective bargaining</td>
<td>2006</td>
<td>India</td>
<td>I. Concepts and principles IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Freedom of association and collective bargaining</td>
<td>2006</td>
<td>Bangladesh</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Suspended due to parallel proceedings</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Afrimex - Payment of taxes to armed group engaged in armed conflict with national Government Profiting from minerals sourced from mines which use forced labour and child labour</td>
<td>2007</td>
<td>Democratic Republic of Congo</td>
<td>II. General policies IV Employment and Industrial Relations VI Combating bribery</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever - Freedom of association and collective bargaining</td>
<td>2007</td>
<td>India</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever - Freedom of association and collective bargaining</td>
<td>2007</td>
<td>Pakistan</td>
<td>IV. Employment and Industrial Relations</td>
<td>Suspended</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a> Suspended waiting for outcome of talks between parties outside NCP process</td>
</tr>
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<tr>
<td>United Kingdom</td>
<td>British American Tobacco – Freedom of association and collective bargaining</td>
<td>2007</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Suspended</td>
<td>n/a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html">www.berr.gov.uk/sectors/sustainability/nationalcontactpoint/page45873.html</a></td>
</tr>
<tr>
<td>United States, consulting with French NCP</td>
<td>Employee representation</td>
<td>June 2000</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement in the outcome of 2 Judicial Reviews central to complaint</td>
</tr>
<tr>
<td>United States</td>
<td>Employee representation</td>
<td>February 2001</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States</td>
<td>Investigate the conduct of an international ship registry</td>
<td>November 2001</td>
<td>Liberia</td>
<td>II. General Policies III. Information and Disclosure VI. Combating Bribery</td>
<td>Concluded</td>
<td>No</td>
<td>US NCP concluded in its preliminary assessment that the conduct in question was being effectively addressed through other appropriate means, including a United Nations Security Resolution</td>
</tr>
<tr>
<td>United States, consulting with French NCP</td>
<td>Employment and industrial relations, freedom of association and collective bargaining</td>
<td>July 2002</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States, multiple NCPs</td>
<td>Business in conflict zones, natural resource exploitation</td>
<td>October 2002</td>
<td>Democratic Republic of Congo</td>
<td>Numerous</td>
<td>Concluded</td>
<td>No</td>
<td>UN Panel Report concluded that all outstanding issues with the U.S.-based firms cited in the initial report were resolved. US NCP concluded its facilitation of communications between the UN Panel and the US companies</td>
</tr>
<tr>
<td>United States, consulting with German NCP</td>
<td>Employee relations in global manufacturing operations</td>
<td>November 2002</td>
<td>Global, focus on Vietnam &amp; Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>USNCP concluded that the issues raised were being adequately addressed through other means</td>
</tr>
<tr>
<td>United States consulting with French NCP</td>
<td>Employment and industrial relations, collective bargaining</td>
<td>June 2003</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States, consulting with German NCP</td>
<td>Employment and industrial relations, collective bargaining representation</td>
<td>June 2003</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Ongoing</td>
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<td>NCP concerned</td>
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<tr>
<td>United States, consulting with Mexican NCP</td>
<td>Employment and industrial relations, collective bargaining, freedom of association</td>
<td>July 2004</td>
<td>Mexico</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>United States, consulting with Dutch NCP</td>
<td>Employment and industrial relations</td>
<td>August 2004</td>
<td>United States</td>
<td>II. General Policies IV. Employment and Industrial Relations VII. Consumer Interests</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States</td>
<td>Business in conflict zones, natural resource exploitation</td>
<td>August 2004</td>
<td>Democratic Republic of Congo</td>
<td>Numerous</td>
<td>Concluded</td>
<td>No</td>
<td>USNCP concluded that the UN Panel of Experts report had resolved all outstanding issues with respect to US companies involved</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>August 2004</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>September 2004</td>
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<td>No</td>
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<td>Employment and industrial relations, sexual harassment</td>
<td>May 2006</td>
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Note: n.a. = not applicable
ANNEX III.

STATEMENTS RELEASED BY NCPS, JUNE 2007-JUNE 2008

This Annex reproduces the statements issued by the National Contact Points during the reporting period concerning specific instances, in accordance with the Procedural Guidance on the implementation of the Guidelines in specific instances, which provides that “if the parties involved do not reach agreement on the issues raised in the specific instance, the NCP will issue a statement and make recommendations as appropriate on the implementation of the Guidelines” and also that “after consultation with the parties involved, make publicly available the results of the specific instance procedures unless preserving confidentiality would be in the best interests of effective implementation of the Guidelines.”

- Public statement by the Argentine National Contact Point on the Union Obrera Molinera Argentina and Cargill S.A. Specific Instance.
- Public statement by the German National Contact Point on the EUBP-FFW/Bayer Philippines Specific Instance.
- Public statement by the German National Contact Point on the Bayer AG and German Watch, Global March and Coordination gegen Bayer-Gefhren Specific Instance.
- Public statement by the Swedish National Contact Point on the CEDHA and Nordea Specific Instance.
- Public statements by the United Kingdom National Contact Point on the PSA Peugeot Citroen Specific Instance.
- Public statement by the United Kingdom National Contact Point on the Anglo American Specific Instance.
Statement by the Argentine NCP

Argentine National Contact Point’s final statement on the specific instance between Unión Obrera Molinera Argentina and CARGILL S.A.

31 July 2007

On 29 November 2006, Unión Obrera Molinera Argentina, a association consisting of Workers and Employees of the Milling Industry, and its Annexes and/or Direct Divisions (hereinafter, “UOMA”), filed a submission with the Argentine National Contact Point (ANCP) concerning certain violations of the OECD Guidelines for Multinational Enterprises by CARGILL S.A. (hereinafter, “CARGILL”) in Argentina.

On 29 November 2006, UOMA filed a submission with the ANCP, alleging certain violations by Cargill S.A. of the OECD Guidelines for Multinational Enterprises.

The submission filed by UOMA with the ANCP involved the following chapters of the Guidelines:

Chapter II – General Policies

Chapter III – Disclosure

Chapter IV – Employment and Industrial Relations

On 21 December 2006, the ANCP gave notice to Cargill through a Letter addressed to Hugo Krajnc, Director of Institutional Relations of Cargill, of the terms of UOMA’s submission. Mr. Krajnc answered in writing on 9 January 2007, informing that a meeting with UOMA representatives had been scheduled for the purpose of discussing the aforesaid allegations.

In February, the ANCP contacted both parties by telephone to find out about the results of the meeting and any progress made. The parties reported that there was a principle of understanding between them and that they were working towards reaching a consensus solution. This was later ratified through a letter from UOMA, received on 5 March this year.

In March, the parties were contacted by telephone again, and it was reported that discussions were still underway with no agreement having been reached on the facts at issue.

In May, with a view to the ANCP’s Annual Report, to be submitted at the ANCP’s Annual Meeting of the Committee on International Investment and Multinational Enterprises (CIME), a meeting of the parties was called for the purpose of reviewing the state of events.

On 9 May, the meeting was held at the Argentine Ministry of Foreign Affairs, International Trade and Worship for the purpose of reviewing the status of the discussions and the parties’ stance on the future of the negotiations and the possible action to be taken by the ANCP. As a result, it was agreed that the existence of a specific instance (UOMA’s claim against Cargill) would be informed, and that progress in it would be reported. It was further agreed that if an Agreement is reached, such agreement will be registered with the ANCP, and that the parties will see to its fulfilment and subsequent follow-up. Lastly, both UOMA and Cargill representatives have undertaken to continue working together towards finding a consensus solution.
Finally, on 22 June, the parties arrived at a satisfactory solution, and signed the attached Memorandum of Agreement.

**The ANCP’s Evaluation**

The parties acted cooperatively, with UOMA acknowledging that its submission does not make any reference to any personal conduct by Cargill or its management and that it does not cast doubt on “the honourable character of any person on account of their stance on fundamental human rights.”

The parties reached an agreement on the matters provided for in the Guidelines that were the subject of the negotiations and which appear in the Final Agreement attached.

The parties acknowledged that they had relied on the good offices of the ANCP, with whom they established a close and warm relationship that led to the amicable settlement of the disputes referred.

The ANCP kindly offers the parties collaboration for the follow-up of this agreement if they so request.

The ANCP will inform the OECD Investment Committee of the contents of this Final Report.
Statement by the German NCP

Statement by the German National Contact Point for the ‘OECD Guidelines for Multinational Enterprises’ on a Specific Instance brought by the DGB against Bayer AG
(EUBP-FFW / Bayer Philippines)

Berlin, June 29, 2007

On June 27, 2003 the DGB submitted a complaint against Bayer AG to the German National Contact Point for the ‘OECD Guidelines for Multinational Enterprises’. The background of the complaint were the consequences of the unlawful recognition of one of two competing company unions as contracting parties to collective bargaining by a subsidiary of Bayer AG in the Philippines in the period 1998 to 2002. While Bayer Philippines again recognized EUBP-FFW as the lawful union upon a corresponding ruling by the Philippine Supreme Court in 2002, there continued to be objections to the consequences of the conflict from the perspective of the complainant, namely the DGB, which represented the interests of the EUBP-FFW. Leading up to the complaint were acts that the court found to be violations of Philippine labor statutes, in particular provisions concerning collective bargaining; it should be noted that in advance of these events there were divergent votes and views on the interpretation of decisions regarding the subsidiary Bayer Philippines and the Philippine trade union EUBP-FFW which represents the employees there.

The specific issue at the focus of attention was the legality of dismissal for operational reasons of union representatives and members of the EUBP-FFW in the years from 2000 to 2002. On the other hand, the EUBP-FFW claimed entitlement vis-à-vis Bayer Philippines to the union membership dues transferred by that company to the REUBP union, which was retroactively found to be unlawful. According to the DGB and the EUBP-FFW, the "General Policies" (Section II) and the principles underlying "Employment and Industrial Relations" (Section IV) of the ‘OECD Guidelines’, in particular the principle of bona fide negotiations had not been observed.

After careful review, the German National Contact Point accepted for consideration the questions that had been raised and received detailed statements from both parties. In July 2004 the National Contact Point had a discussion with the DGB and in October 2004 a discussion with both parties in Germany's Federal Ministry of Economics and Labor (thus designated at that time) in the interest of working toward an agreement acceptable to the DGB, the affected Philippine union and its representative, and Bayer AG. The essential results of the meeting were that, owing to the complex issues, both parties should obtain further information.

On the basis of the information that has meanwhile been received and after additional discussions between the National Contact Point and the DGB and a meeting with all of the parties in May / June 2007, the case can now be concluded with the following joint statement in accordance with the ‘OECD Guidelines’, subject to the legally binding conclusion, within a appropriate period of time, of the agreements among the three involved parties in the Philippines (Bayer Philippines, EUBP-FFW, and the former union president):

Bayer AG asserts that Bayer Philippines management at no time intended to obstruct union activities by EUBP-FFW and regrets if this impression had been obtained by EUBP-FFW and the DGB. In this connection, Bayer AG is of the opinion that the controversies that arose could have been avoided if all of those involved had shown more willingness to cooperate and had reached out to one another.

In view of the fact that EUBP-FFW incurred the loss of a substantial share of union membership dues in the period 1998 to 2002, Bayer Philippines has submitted a financial offer in the interest of
further cooperation in the spirit of trust. The payment will be made immediately under the condition that EUBP-FFW no longer raises claims against Bayer Philippines owing to the (now undisputed) transfer of union membership dues to REUBP in the 1998 to 2002 period, and appropriately shows that all requests and legal measures to this effect have been dropped.

On the only still pending individual labor court proceeding filed by the former president of EUBP against Bayer Philippines, a settlement has already been reached that takes account of the ruling of the Court of Appeals of 30 January 2006. This provided for the reinstatement of the former union president with the payment of all claims and remuneration since termination of employment in 2000 and the payment of compensation for damages.

All of the parties announce the above described situation to be ended with the amicable settlement of the proceedings.

The National Contact Point expects that this dialogue will contribute to an amicable ending of the complaint filed here and to a more intensive exchange of information between both parties, and to improved transparency, and they thank the participants, particularly Ms. Meyer and Dr. Eckl, Mr. Botsch, and Mr. Hahn of the DGB and Ms Ehemann-Schneider, Mr. Naumann, and Mr. de Win, chairman of the all-works council, of Bayer AG for their constructive participation.

The OECD Guidelines for Multinational Enterprises, as part of the OECD Declaration on International Investment and Multinational Enterprises, present recommendations for responsible corporate conduct in the case of investment abroad. The governments of the OECD Member Countries and other participating countries have committed themselves by way of their respective National Contact Points (in Germany the Federal Ministry of Economics and Technology) to promoting the use of these voluntary codes of conduct and to arriving at solutions to complaints by way of the trusting intermediation of the respectively relevant partners.
Statement by the German National Contact Point for the "OECD Guidelines for Multinational Enterprises" on the Complaint Filed against Bayer CropScience by German Watch, Global March, and Coordination gegen Bayer-Gefahren

Berlin, August 30, 2007

On October 11, 2004 the non-governmental organizations German Watch, Global March, and Coordination gegen Bayer-Gefahren (hereinafter designated as "complainants") submitted a complaint against the Bayer CropScience company to the German National Contact Point for the "OECD Guidelines for Multinational Enterprises" in the Federal Ministry of Economics and Technology. The complainants allege that suppliers of Bayer CropScience in the Indian state of Andrah Pradesh employed children in cotton cultivation and that Bayer CropScience had not taken adequate measures to counter the practice. In response, Bayer CropScience argues that all reasonable means had been taken to prevent the practice.

After conducting comprehensive discussions with the involved parties, at the end of which Bayer CropScience issued a declaration committing itself (see page 3) to act in conformity with the principles set forth in Chapter II, Section 10 and Chapter IV Section 1.b of the OECD Guidelines, the National Contact Point closes the complaint proceedings with the said declaration. In the declaration, the National Contact Point voices the expectation that Bayer CropScience will act in accordance with its voluntary commitment both now and in the future.

Background

The OECD Guidelines for Multinational Enterprises contain recommendations by the governments of the OECD countries and some non member countries concerning the foreign involvement of companies. The OECD Guidelines are based on the principle of voluntary conduct and contain standards of conduct and principles for corporate behavior relating to foreign investment. Their purpose is to foster the positive effects of foreign investment by provision of a frame of reference. National Contact Points have been established in the interest of the further dissemination and knowledge of the OECD Guidelines and for the possible arbitration of issues that might potentially arise.

The question raised in the case at hand relates to Chapter IV Section 1.b of the OECD Guide-lines, which calls on enterprises to "contribute to the effective abolition of child labor." In particular, Chapter II Section 10 of the OECD Guidelines calls on enterprises to work toward the goal of the abolition of child labor also in the framework of their dealings with business partners and sub-contractors.

Case Background

On Indian cotton plantations, children are still used as workers for pollinating the cotton hybrid plants. They are taken away from schooling during the field-work season and can often no longer be re-integrated into regular classroom education; they are frequently exposed to possible health hazards from pesticides.

The complainants accuse Bayer CropScience of tolerating child labor on the part of the sub-contractors producing cotton seeds and not making adequate use of the possibilities that their business connections give them of influencing the operations. Although Bayer CropScience in-cluded a formal prohibition of child labor in its contracts, in practice this was not being monitored effectively enough.
Furthermore, Bayer CropScience contributed to the further employment of children as cheap labor by paying suppliers at levels attuned to low profit margins.

Bayer CropScience responds by pointing out that, since the take-over of the India's Proagro seed company as part of the global acquisitions undertaken by Aventis CropScience, a child protection program had been instituted to prevent child labor in the sub-contractors of that subsidiary, owned by Bayer AG since mid 2002. In that connection, the incompatibility of child labor with Bayer AG's corporate philosophy was stressed and the already initiated measures to eliminate the employment of children highlighted. But child labor in India was still very common in India's farm sector, which is why Bayer CropScience would be able to achieve changes only within the enterprise's supply chain. The elimination of child labor beyond the enterprise's direct area of impact would require, among other things, the targeted and, above all, on-site involvement of non-government organizations. And it would presuppose a fundamental transformation in the population's mentality, a change that could not be accomplished by a company acting on its own.

But among the seed-producing enterprises in India, Bayer CropScience had taken on a position of leadership. In this connection, an extensive catalogue of measures was being implemented and constantly further developed. The enterprise describes the measures as a system of incentives and sanctions to induce sub-contractors exclusively to employ adult workers. And there was the continuing independent supervision of the fields, the so-called "Creative Learning Centers" to re-integrate former child laborers into regular everyday schooling, along with measures to encourage the proper and safe handling of pesticides by workers. In addition, Bayer CropScience was training its contractors to enhance their productivity. For this purpose, the enterprise had developed its own training program and drafted teaching material in several languages; this information was being provided to farmers free of charge.

The implementation of these measures by Bayer CropScience was described by the complainants as not satisfactory since child labor was still to be observed on the cotton farms. In response, Bayer CropScience emphasized the program's success to date, backed by figures, and emphasized its long-term orientation. Moreover, as the only enterprise in the branch thus far, Bayer CropScience had developed its own professional organization to ensure that there is no child labor in the sub-contractors' fields also in the future. Despite the recent expansion of the size of production, the number of sporadically spotted child laborers in the fields of contractors had shown further declines. From the perspective of Bayer CropScience, farmers were responding in a positive manner to the measures, which had been designed to continue into the long term.

Proceedings

After the OECD Guidelines were found to be applicable to the issues raised here, a total of four rounds of talks were held at the National Contact Point between the complainants and representatives of Bayer CropScience. Since Bayer CropScience refused direct contact with one of the complainants and since it was not possible to have that party represented by the two other complainants, the arbitration talks had to be conducted with each of the separate parties, thus making the proceedings more difficult in formal and substantive terms.

For the same reason, there was no possibility of a joint final statement being issued by the parties to the proceedings. However, Bayer CropScience stated its willingness to issue of declaration of voluntary commitment. The National Contact Point herewith closes the complaint proceedings, and refers to Bayer CropScience's Declaration of Voluntary Commitment for any individual questions that might arise.
Declaration of Voluntary Commitment by Bayer CropScience

In its Declaration of Voluntary Commitment, Bayer CropScience states its willingness to act, now and in the future, in accordance with the principles set forth in Chapter II, Section 10 and Chapter IV, Section 1.b of the OECD Guidelines. The individual measures to which Bayer CropScience commits itself are as follows:

- to continue actively to combat child labor,
- to continue to undertake all reasonable measures within Bayer CropScience's sphere of influence to protect children and support them in their commencement of schooling and occupational life,
- to continue and further improve the present program to protect children and foster the productivity of the farmers in agricultural regions of India,
- to continue to make seasonal reports available to the National Contact Point and other interested parties in the interest of success monitoring,
- to continue to pursue intensive contacts with the ILO with the objective of facilitating better access to education for children and young persons in agricultural regions, and
- after prior consultation to grant the National Contact Point and groups interested in constructive dialogue (except, according to Bayer CropScience, one of the complainants) an on-sight look into the Bayer CropScience program for combating child labor.

Final Remarks by the National Contact Point

The National Contact Point expects Bayer CropScience to honor this voluntary commitment, now and in the future, and closes the proceedings with a word of thanks for the efforts made by the parties involved.
Statement by the Swedish NCP

Statement by the Swedish National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises – with the full support of Norway’s NCP – in connection with a complaint from the Argentine environmental organisation CEDHA against Nordea.

24 January 2008

Introduction

On 12 July 2006, the Swedish National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP) received a complaint from the Argentine environmental and human rights NGO CEDHA (Center for Human Rights and Environment), that was also signed by the Norwegian environmental organisation Bellona, concerning Nordea’s part-financing of the Finnish company Botnia’s pulp mill project in Uruguay. The same complaint was also sent to the Norwegian National Contact Point. The complaint has been dealt with via consultation between the Swedish and Norwegian Contact Points, but it has been agreed that the main responsibility should lie with the Swedish NCP as Nordea’s head office is in Stockholm. The Norwegian NCP endorses the comments and conclusions expressed in the statement.

Conclusion

The Swedish National Contact Point has not found indications to support the complaints made about Nordea having violated the OECD Guidelines in its part-financing of Botnia’s pulp mill in Uruguay.

This position is founded partly on meetings that have been held with the aim of contributing to a solution by means of discussion and dialogue, and partly on questions and answers that have been exchanged between the parties concerned, with the NCP acting as facilitator and intermediary. Moreover, the International Finance Corporation’s (IFC) environmental study on the project and visits made to Uruguay by trade union organisations have strengthened this assessment. This statement has the full support of the Norwegian NCP.

In its handling of the matter, the Swedish National Contact Point has examined the application of the Guidelines to the financial sector and whether Nordea has independent liability as part-financer and supplier of financial services to the company Botnia. At the annual NCP meeting in Paris in June 2007, the topic for roundtable discussions was the OECD Guidelines and the financial sector. Sweden took on a leading role at the meeting, and it was established that the Guidelines could be applicable. The NCP states that the Guidelines can and should be applied to the financial sector as well as to other multinational enterprises. The NCP considers the following rule in the Guidelines to be of particular interest in this respect:

Chapter 2, paragraph 10

‘Encourage, where practicable, business partners, including suppliers and subcontractors, to apply principles of corporate conduct compatible with the Guidelines’

The Swedish National Contact Point would like to take this opportunity to encourage Nordea and other actors in the financial sector to practise as much transparency and freedom of information as possible. In order to foster greater understanding among the general public for their activities, it is essential that companies be sensitive to the public’s increasing demands for information. The NCP would
like to point in particular to Chapter 2, ‘General policies’, paragraph 7, and Chapter 3, ‘Disclosure’, paragraphs 4e–f) and 5b–c).¹

Nordea says that in the case in question it followed its regular processing routine for project and risk analysis where it – according to the information provided – applied procedures similar to those within the framework of the Equator Principles. In the course of proceedings, Nordea has adopted the Equator Principles (February 2007) and acceded to the UN Principles for Responsible Investments with effect from 1 November 2007.

The NCP considers that this process has illustrated how the Guidelines can contribute to both socially and environmentally responsible international entrepreneurship. It has played a significant role in promoting the Guidelines and has provided an example of how they can be applied even to the financial sector. This process has also shown how valuable good cooperation between National Contact Points can be. To conclude, the NCP would like to underline that it considers it very important that the OECD Guidelines are respected and followed by all actors.

**Background to the matter**

The NCP’s main task is to spread information about and promote the use of the OECD Guidelines for Multinational Enterprises. In specific instances, it is the NCP’s duty to assist in solving problems through discussion and dialogue with the parties concerned.

The NCP has – in collaboration with the Norwegian NCP – processed the complaint in accordance with the agreed guidance for handling specific instances in countries that are not members of the OECD.

CEDHA reported Nordea for not having followed the OECD Guidelines for Multinational Enterprises in its part-financing of the Finnish company Botnia’s construction of a pulp mill in Uruguay. CEDHA had previously reported Botnia to the Finnish NCP. In its complaint against Botnia, the complainant claimed that the company had not followed the Guidelines and that, as a result, Botnia’s partners – in this case Nordea – had not followed the Guidelines either.

In an additional complaint, it was stated that Nordea could have independent liability, with no direct link to Botnia. CEDHA claimed that Nordea had not followed paragraphs 1, 2, 5 and 7 (to contribute to economic, social and environmental progress, sustainable development, human rights etc.) of Chapter 2, ‘General policies’, paragraphs 1 and 2 (to ensure that relevant information is disclosed) of Chapter 3, ‘Disclosure’, and the introduction and commentary as well as paragraphs 1–6 of Chapter 5, ‘Environment’ (the Environment Chapter broadly reflects the contents of the Rio Declaration on

¹ Chapter 2, ‘General policies’

7. “Develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate.”

Chapter 3, ‘Disclosure’

4. “Enterprises should also disclose material information on:
   e. Material foreseeable risk factors,
   f. Material issues regarding employees and other stakeholders”

5. “Enterprises are encouraged to communicate additional information that could include:
   b) Information on systems for managing risks and complying with laws, and on statements of codes of business conduct,
   c) Information on relationships with employees and other stakeholders.”
Environment and Development, including Agenda 21, various conventions and the ISO Standards on Environmental Management Systems).

Nordea’s role can be described as that of ‘arranging bank’, responsible for ensuring that the construction be financed by other banks too. According to CEDHA, the complainant, Nordea is responsible for part-financing to the tune of USD 300 million. This figure has not been confirmed by Nordea. The World Bank body IFC (International Finance Corporation) has approved a loan of USD 170 million to Botnia, and MIGA (the Multinational Investment Guarantee Agency) has approved a guarantee of up to USD 350 million.

The Swedish and Norwegian NCPs processed the Nordea complaint in joint consultation and decided on 15 November 2006 to take up the complaint on a formal basis. This assessment was based on the procedural guidance prescribed by the OECD Guidelines, and on the view that these could also apply to financial institutions with reference to Chapter 2:10.

Contact and information-gathering

Throughout the process, contact has been maintained with and information gathered from the relevant ministries at the Government Offices, Swedish embassies and other concerned parties. A copy of the complaint has also been sent to Argentina’s NCP for its information.

There has been the following contacts between the parties:

The Swedish and Norwegian NCP chairs took part in a meeting in Helsinki where CEDHA met Botnia and the Finnish NCP on 30 August 2006.

- The Swedish and Norwegian NCPs jointly met representatives of Nordea’s management, including officers responsible for CSR, in Stockholm on 11 October 2006. At this meeting, Nordea was able to air its views on CEDHA’s complaint.

- The Swedish NCP invited Nordea and CEDHA to a dialogue meeting in Stockholm on 23 March 2007. The Norwegian NCP also took part in the meeting. The parties agreed that dialogue was important for the further handling of the matter and that CEDHA should put in writing the questions it wanted Nordea to answer. The NCP would then discuss the issues with Nordea prior to Nordea formulating its response. A written summary of the dialogue meeting has been published in accordance with the parties’ wishes.

- Following the dialogue between the NCP and CEDHA, five questions were submitted by CEDHA in June 2007 for Nordea to answer. A meeting between Nordea and the Swedish and Norwegian NCP chairs took place in Oslo on 12 October 2007. Nordea’s answers were forwarded to the complainant, CEDHA, on 31 October 2007, together with an invitation to react to Nordea’s answers by 15 November 2007 at the latest.

- A preliminary and informal response from CEDHA was received by the Swedish NCP on 15 November 2007 (but was not forwarded to Nordea at CEDHA’s request). CEDHA has not yet submitted an official reaction.

CEDHA’s complaint to the Finnish NCP

The complaint against Botnia was concluded by the Finnish NCP which made a statement on 20 December 2006 in accordance with the OECD statutes. The same chapters and paragraphs that were
given as grounds for the complaint against Botnia to the Finnish NCP were given for the complaint against Nordea to the Swedish NCP.

It is stated in the statement that Botnia did not violate the OECD Guidelines, and the statement is based, among other things, on the thorough examination of the matter carried out by the World Bank body IFC (International Finance Corporation). The IFC has since approved a loan of USD 170 million to Botnia, and MIGA (the Multinational Investment Guarantee Agency) approved a guarantee of up to USD 350 million for the construction of the pulp mill.

**International Court of Justice in The Hague**

CEDHA also referred to Argentina’s complaint against Uruguay to the International Court of Justice in The Hague, in which Argentina – according to CEDHA – claimed that Uruguay had unilaterally granted permission for the construction of two pulp mills, despite repeated attempts by Argentina to initiate consultations in accordance with the Rio Uruguay Treaty. In July 2006, the International Court of Justice in The Hague gave its first decision (by a vote of 14–1) which stated that the Court considered that Argentina had not been able to present sufficient evidence to show that the pulp mill would represent an immediate or irreversible threat to the environment. A final decision can be expected in two to three years’ time.

The Swedish National Contact Point is made up of representatives from:

- **The Government Offices** (chair is Margareta Kristianson, Ministry for Foreign Affairs, International Trade Policy Department, Swedish Partnership for Global Responsibility)

- **The Swedish Trade Federation, the Confederation of Swedish Enterprise, IF Metall, the Swedish Trade Union Confederation, the Swedish Confederation of Professional Associations (Saco), the Confederation of Professional Employees, trade union Unionen**
Statement by the United Kingdom NCP

Final assessment by the UK National Contact Point for the OECD Guidelines for Multinational Enterprises: PSA Peugeot Citroen

1 February 2008

Summary of NCP decision

The National Contact Point (NCP) considered the complaint brought under the Employment and Industrial Relations chapter of the OECD Guidelines for Multinational Enterprises alleging that PSA Peugeot failed to undertake a meaningful consultation with the Unions when closing down the Ryton manufacturing plant in Coventry. The NCP found that the Company provided reasonable notice of the closure of the Ryton Plant in regards to (i) allowing workers the opportunity to start searching for new jobs and (ii) the unions with the opportunity to negotiate on the phasing of the closures and redundancy package available. However, the NCP has concluded that the Company failed to fulfil all the requirements under the Guidelines in particular, that the Company should have engaged with the Unions when the decision to make the closure of Ryton was at a formative stage and should have provided sufficient information to allow the Union to understand the reasoning for the decision so they could contribute to the consultation appropriately. The NCP is committed to highlighting good practice where it finds it and recognises that the Company provided a redundancy package significantly above the legal requirements and created a dedicated Resource Centre, with a budget of £5million to help employees prepare for redundancy.

Background

12. On 28 July 2006, the UK National Contact Point (NCP) received a request from Amicus and T&G (the Unions) to consider a specific instance regarding PSA Peugeot Citroen (the Company). The complaint alleges that the company failed to undertake a meaningful consultation with the Union when closing down the Ryton manufacturing plant in Coventry.

13. PSA Peugeot Citroen announced the intention to close the Ryton Plant on 18 April 2006. Management explained that actual sales in 2005 had failed to meet predicted targets, and that as a result of that and other factors (such as comparative production costs at the branch of PCG in Trnava in Slovakia) production at Ryton was no longer financially viable and proposed that Ryton would undergo phased closure, to be complete by mid 2007. The Company highlighted its commitment to its social responsibilities and stated it would work closely with Trade Unions and Government to provide a comprehensive support package for its staff and to help as many as possible to find alternative employment.

14. On 5 May 2006, the Company initiated the 90 day consultation period which is required under UK law when undertaking large-scale redundancies by sending the form HR1 to the DTI. The first shift were terminated on 3 August 2006 with 775 redundancies and the final closure of the plant was brought forward to 8 January 2007 with a further 724 redundancies.

15. The announcement of intended closure occurred a year after the Chief Executive Officer of the Company addressed representatives of the Unions at the Ryton Branch and assured them that they could expect to continue production of the Peugeot 206 until 2010.
Good practice

16. The NCP has committed to highlight good practice where it finds it. While the NCP has found Peugeot to have not met the requirements of the Guideline, the NCP recognises the Company provided a redundancy package significantly above the legal requirements and created a dedicated Resource Centre, with a budget of £5 million to help employees prepare for redundancy. The Resource Centre was staffed by seven employees and a number of resident employees of Jobcentre Plus and the LSC who provided additional support and access to training and employment opportunities.

The OECD Guidelines for Multinational Enterprises

17. The Guidelines are recommendations that governments endorse and promote in relation to the behaviour of multinational enterprises. They are voluntary principles and standards for responsible business conduct. They are the only comprehensive, multilaterally-endorsed code of conduct for multinational enterprises.

18. The Guidelines establish non-legally binding principles covering a broad range of issues in business ethics in the following areas of operation: general company policies, disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, responsible use of science and technology, competition and taxation.

19. The Guidelines are not legally binding but OECD governments and a number of non OECD members are committed to promoting their observance. The Guidelines are also supported by the business community and labour federations. In addition, a number of Non-Governmental Organisations are also heavily involved in the work of the OECD Investment Committee responsible for monitoring and reviewing the Guidelines and are increasingly involved in overseeing the operation and promotion of the Guidelines.

The Specific Instance Procedure

20. The first step when a complaint is brought to the NCP under the OECD Guidelines is the initial assessment; this consists of a desk-based analysis of the complaint, the company’s response and any additional information provided by the parties. The NCP uses this information to determine whether further consideration is required under the Guidelines. The initial assessment is published to www.csr.gov.uk. If a case is accepted, the NCP instigates mediation between the two parties to ascertain whether they can agree on an appropriate way forward. Should mediation fail, the NCP will determine whether the Guidelines have been met and if necessary, make recommendations for future conduct.

21. In this case, The NCP did not produce an initial assessment because:

   a) The closure of the Ryton plant meant that mediation between the parties was inappropriate; the Company is not in a position to reopen the plant so there is no appropriate way forward.

   b) The Company had indicated they had provided all available information to the NCP and had nothing further to add. As all information had been received, the NCP decided to produce the final statement. Both parties were informed of the NCP’s intention to proceed to a determination and to produce the final assessment on the basis of the documents submitted.

22. Both the Company and the Unions gave permission for all correspondence about the complaint sent to the NCP to be exchanged between the parties ensuring transparency in the system.
23. The Final Statement has been approved by Gareth Thomas, Minister for Trade and Development and copies has been placed in the House of Commons and House of Lords libraries.

**Substance of the complaint**

24. Amicus and T&G allege that PSA Peugeot Citroen did not comply with Chapter IV of the Guidelines that covers employment and industrial relations, specifically:

IV.6 In considering changes in their operations which would have major effects upon the livelihoods of their employees, in particular in the case of a closure of an entity involving collective layoffs or dismissals, provide reasonable notice of such changes to representatives of their employees and where appropriate to the relevant governmental authorities, and cooperate with the employee representatives and appropriate government authorities so as to mitigate to the maximum extent practicable adverse effects. In light of specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken. Other means may also be employed to provide meaningful cooperation to mitigate the effects of such decisions.

IV.1.a Enterprises should respect the right of their employees to be represented by trade unions and engage in constructive negotiations, whether individually or through employers’ associations, with such representatives with a view to reaching agreements on employment conditions

IV.2.b Provide information to employee representatives which is needed for meaningful negotiations on conditions of employment

IV.2.c Promote consultation and cooperation between employers and employees and their representatives on matters of mutual concern

IV.3 Provide information to employees or their representatives which enables them to obtain a true and fair view of the performance of the entity, or, where appropriate, the enterprise as a whole

IV.4a Observe standards of employment and industrial relations not less favourable than those observed by comparable employers in the host country,

25. The Union’s allege that the Company announced their decision to close the Ryton Plant without undertaking meaningful consultation and negotiations on the closure with the recognised trade unions prior to making the decision. In essence, that the Company rejected the principle of full disclosure and refused to answer relevant questions from the trade unions despite a history of sharing commercially sensitive material with the Trade Union in the past without cause for complaint.

**Psa Peugeot Citroen’s response**

26. PSA Peugeot Citroen provided an extensive response to the Union’s allegations supported by transcripts of speeches and copies of the documents shared with the Unions in the period following the announcement of the intended closure. The premise of the Company’s response is that the announcement of the closure of the Ryton plant was a proposal not a decision and that extensive engagement took place with the unions after the announcement was made.

27. Peugeot management met with the Unions several times after the announcement of the intended closure. Mr Folz, then Chief Executive of the Group addressed a separate, private meeting with officials of the two unions representing the Ryton workforce shortly after making the announcement of the pending closure to the workforce. The Company provided the transcript of Mr Folz’s speech at this
meeting and the press release of the same day to the NCP. Both these documents refer to the closure of the Ryton Plant as being “proposals” and an “intention” indicating scope for discussion and alteration.

28. The speech given by Mr Folz was informative, stating the reason for the pending closure. The final paragraphs refer to the intention to phase out production over a year and to provide a comprehensive programme of support for all employees. However, a member of the team was tasked with working with the Trade Union “to provide you [the Union] with the detailed information that you will need”.

29. Peugeot provided the Unions with an extensive amount of information as requested however, some information was not disclosed on the grounds of confidentiality. The Company state that not all the requested information was provided but considered that the Trade Union’s request for “line for line detail on very many areas of activity was immense, disproportionate and very hard to achieve in the limited time scales available”.

30. Various meetings took place between the Company and the Unions which included the presentation of an initial business plan by the Union, which was ultimately rejected by Peugeot. A second more detailed business plan was due to be presented by the union in September 2006 but was subsequently withdrawn due to the announcement that Peugeot would not proceed with the proposed extension of the Trnava plan.

31. The Company describe a difficult working relationship with the national level Unions while highlighting their relationship with the trade union at the plant remained positive.

32. PSA Peugeot Citroen provided a robust defence of the allegations, pointing out that the Trade Union’s economics expert had accepted they had received sufficient information by 26 July for the unions to put together an alternative plan thereby substantiating Peugeot’s view that the consultation that took place was meaningful and meets their commitments under the OECD Guidelines. In addition, the Company’s direct response to the allegation in section 6 is:

- Employees and Trade Union representatives were provided with reasonable notice of changes. They were informed of the proposal to terminate the second shift on 18th April and the first block of redundancies took effect on 3 August, only those that volunteered to leave at that stage did so.
- The Company cooperated with the unions to mitigate adverse effects; this is illustrated by the 8 formal meetings between the trade unions and the Company between the announcements on 18th April until 4 October 2006.
- It is clear from the press release and presentation from Peugeot management that no final decision had been made.
- The Company were willing to cooperate with the unions with the aim of mitigating the effects of the Group’s proposal. However they maintain that the trade unions were not willing to negotiate on the redundancy packages as they included compulsory redundancies.

NCP Analysis

33. The UK NCP analysis is restricted to the content of the complaint lodged, the NCP does not have a role in establishing whether PSA Peugeot Citroen fulfilled its regulatory commitment to commence a 90 day consultation period when undertaking large-scale redundancies, however, the NCP notes that this consultation period was initiated by the submission of the form HR1 to the DTI (now BERR).
34. **Paragraph IV.6** requires that enterprises:

“In considering changes in their operations which would have major effects upon the livelihoods of their employees, in particular in the case of a closure of an entity involving collective layoffs or dismissals, provide reasonable notice of such changes to representatives of their employees and where appropriate to the relevant governmental authorities, and cooperate with the employee representatives and appropriate government authorities so as to mitigate to the maximum extent practicable adverse effects. In light of specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken. Other means may also be employed to provide meaningful cooperation to mitigate the effects of such decisions.”

35. The unions highlight Chapter IV, paragraph 6 as being the most important aspect of their complaint. The commentary of the Guidelines, which forms part of the text of the meeting of the OECD council at ministerial level, 2000, explains:

“Paragraph six recommends that enterprises provide reasonable notice to the representative of employees and relevant government authorities, of changes in their operations which would have major effects upon the livelihood of their employees, in particular the closure of the entity involving collective layoffs or dismissals. As stated therein, the purpose of this provision is to afford an opportunity for cooperation to mitigate the effects of such changes. This is an important principle that is widely reflected in industrial relations laws and practices of adhering countries, although the approach taken to ensuring an opportunity for meaningful cooperation are not identical in all adhering countries. The paragraph also notes that it would be appropriate if, in light of specific circumstances, management were able to give such notice prior to the final decision. Indeed, notice prior to the final decision is a feature of industrial relations laws and practices in a number of adhering countries. However, it is not the only means to ensure an opportunity for meaningful cooperation to mitigate the effects of such decisions, and the laws and practices of other adhering countries provide for other means such as defined periods during which consultations must be undertaken before decisions may be implemented”.

36. The NCP has concentrated on:

i) Whether the Company provided reasonable notice of the closure of Ryton and related redundancies.

ii) Whether the Unions were given notice prior to the final decision being taken to close the plant.

iii) If not, would it have been inappropriate to have given the Unions prior notice to the final decision being taken to close the plant.

iv) When notice was given did Peugeot management work with the Union to mitigate to the maximum extent practicable adverse effects.

37. The NCP considered each aspect independently:

**Did PSA Peugeot Citroen provide reasonable notice of the closure of Ryton and related redundancies?**

38. The announcement of the intention to close Ryton was made on 18 April 2006, the first redundancies took place on 3 August 2006 (775 redundancies, all voluntary) with the final closure of the plant brought forward to 8 January 2007 (further 724 redundancies). This meets UK legislative requirements and the NCP is content that reasonable notice of the closure took place that allowed the workers and union to take action to mitigate the effects of the closure. In particular this period provided
1) workers with the opportunity to start searching for new jobs and 2) the unions with the opportunity to negotiate on the timing of the closures and redundancy packages.

39. In concluding that the Company provided reasonable notice of the closure, the NCP has distinguished between the need to provide a certain period of time to employees and unions to mitigate the effects of the closure from reasonable notice needed to provide unions with sufficient opportunity to negotiate alternatives to closure with the Company.

Was the Union given notice prior to the final decision being taken to close the plant?

40. The NCP considers that the decision to close the plant to all intents and purposes had been taken by 18 April 2006, when the Company announced its intention to close the plant. Mr Folz’s speech to the unions following the announcement stated the reason for the pending closure. An explicit invitation to discuss alternative proposals to the closure of the plant was not offered and the accompanying slides to Mr Folz’s speech states that “the only justifiable economic position is to cease production in the plant as quickly as possible”. While the Peugeot response to the allegations indicates that a member of the team was tasked with working with the Trade Union “to provide you [the Union] with the detailed information that you will need”, the documents supporting the Company’s response to the allegations indicate that this offer was predominantly made in regards to the phasing of the closure and the redundancy package on offer to workers at the plant. This is supported by the final paragraphs of Mr Folz’s speech and accompanying slides that refer to the intention to phase out production over a year and to provide a comprehensive programme of support for all employees.

41. The NCP did not find evidence that the Company intended to consult on alternatives to the closure of Ryton, however the NCP acknowledge that the Company did respond to the majority of the requests for information by the Unions (with some key exceptions).

42. PSA Peugeot Citroen takes the view that the decision to close Ryton had not been made by 18 April. It cites evidence of the provision of information to the Unions after that date and explained they consider sufficient information was passed to the Unions by 26 July to allow for an alternative business plan to be created. The Company takes the view that the time available was not affected by stopping a shift on 3 August 2006.

43. The NCP view remains that the decision to close Ryton was made before 18 April. While accepting that PSA Peugeot Citroen may previously have operated with 1 shift, the continuous departure of workers between August and 2 October (when the plant effectively moved to running half a shift) ultimately contributed to the plant’s ultimate closure.

44. The NCP concludes that the Unions were not given prior notice to the final decision being taken to close the plant.

Would it have been inappropriate to have given the Union prior notice to the final decision being taken to close the plant?

45. As the Company state they had not made the decision to close the plant as at 18 April, when announcing the pending closure, they have not provided the NCP with any reasons why it would have been inappropriate to have given the Union prior notice to the final decision being taken to close the plant.

46. In this case, the NCP considered the specific context, particularly noting the assurances given by the Company to the Unions at Ryton just a year earlier, of their expectation that production would
continue at Ryton until 2010. It is reasonable to conclude the workers may have made financial arrangements on the back of such assurances. While accepting that earlier dialogue may have had effects on productivity, the NCP concludes that the earlier assurances of continued production at the plant made it particularly important that the Unions and workers should have been informed of the potential closure before the final decision was made.

47. The NCP concludes that PSA Peugeot Citroen should have provided the Union prior notice to the final decision being taken to close the plant.

Did PSA Peugeot Citroen management work with the Union to mitigate to the maximum extent practicable adverse effects?

48. It is clear that the Company was willing to negotiate the details of the redundancy package with the Unions.

**Paragraph IV.1.a** required that an enterprise

“She 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 employers’ associations with such representatives with a view to reaching agreements on employment conditions.”

49. It is clear that the Company recognised the role of the Unions to represent the workers at the Ryton plant. The Company met with the unions regularly after announcing the intention to close Ryton and had 8 formal meetings with the trade unions between 18th April and 4 October 2006.

50. In considering whether the Unions were able to engage in constructive negotiations with a view to reaching agreements on employment conditions, it is necessary to consider whether the unions were provided with adequate information. This is considered under paragraphs IV.2b and IV.3. Due to the similarities between the two paragraphs these are considered together.

**Paragraph IV.2.b** requires that employers:

51. “Provide information to employee representatives which is needed for meaningful negotiations on conditions of employment”

**Paragraph IV.3** required that employers:

52. “provide information to employees and their representatives which enable them to obtain a true and fair view of the performance of the entity, or, where appropriate, the enterprise as a whole.”

53. The commentary of the Guidelines, which forms part of the text of the meeting of the OECD council at ministerial level, 2000, explains:

54. “In paragraph three of this chapter, information provided by companies to their employees is expected to provide a ‘true and fair view’ of performance. It relates to the following: the structure of the enterprise, its economic and financial situation and prospects, employment trends, and expected substantial changes in operations, taking into account legitimate requirements of business confidentiality. Considerations of business confidentiality may mean the information on certain points may not be provided, or may not be provided without safeguards”.
55. The union requested a great deal of information soon after the announcement of the proposed closure and a good proportion was made available to the union over the following few weeks. The NCP notes that the strategic manufacturing review which had ultimately recommended the closure of Ryton was not made available to the Union. While the commercial sensitivity of such a document is fully understood, the NCP concludes that the absence of access to this key information effectively disabled the Unions from putting forward an alternative and realistic business plan or for the Unions to make the initial determination as to whether an alternative business plan could be realistic, this effectively prevented them from undertaking a meaningful negotiation with the Company.

56. Information allowing comparative costs between the Ryton Plant and Trnava were made available to the unions on 16 June 2006. It was understandable that the Unions concentrated their efforts on attempting to reduce the cost differential between these two plants as this had been given as a key reason for the closure of the Ryton plant. However, the fluidity of the situation is sufficiently illustrated by the decision made in September 2006 not to build a new plant in Trnava and instead, continue to use the existing plant for production.

57. It is not the role of the NCP to determine the validity of alternative business plans put forward by the parties but merely to determine whether adequate information was passed to the unions for them to negotiate. The NCP determines that the Union was not given sufficient information to negotiate on the closures in a meaningful way. In particular, the refusal to share the strategic review with the Unions resulted in a clear example of asymmetric information with the Union unaware of the range of options considered by PSA Peugeot Citroen before they made the decision to close down Ryton. This effectively undermined the union’s negotiating position.

58. It should be noted that the NCP recognises the commercial sensitivity of the strategic review which ultimately led to the closure of the Ryton Plant. However this was a key document which would have allowed the Unions to understand the level of consideration given to the various alternative options. While the NCP accept the business need to keep this document within the Board, the NCP believes that an alternative method of providing the Unions with sufficient information that would have allowed the Unions to fully understand the thinking taking place would have provided the opportunity for the Unions to get a realistic understanding on how best to engage in the issue.

Paragraph IV.2.c requires that employers:

59. “promote consultation and cooperation between employers and employees and their representatives on matters of mutual concern”

60. This paragraph is the only mention of consultation made in the employment and industrial relations chapter of the Guidelines. It is reasonable to conclude that the Guidelines would expect a meaningful consultation and the case of “R v British Coal” 1994 which defines “fair” consultation is introduced to the analysis at this point to consider whether Peugeot promoted consultation and cooperation with the employees at Ryton and its representatives in relation to the closure of the plant. Useful guidance in determining a “meaningful consultation” is provided by R v British Coal” 1994 which outlines the elements of fair consultation set out in paragraph 24:

1) Consultation when the proposals were still at a formative stage

2) Adequate information on which to respond

3) Adequate time in which to respond
4) Conscientious consideration by (the employer) of the response to the consultation

61. Paragraph 25 goes on to say:

“Another way of putting the point more shortly is that fair consultation involves giving the body consulted a fair and proper opportunity to understand fully the matters about which it is being consulted, and to express its views on those subjects, with the consultor thereafter considering those views properly and genuinely.”

62. The NCP considered whether these elements of “fair” or “meaningful” consultation were met:

Whether PSA Peugeot Citroen consulted when the proposals were still at a formative stage

63. This issue has been analysed in paragraphs 28-30 above.

Whether PSA Peugeot Citroen provided adequate information for the Unions to respond

64. The NCP analysis of this issue is set out in paragraphs 28-30 above.

Adequate time in which to respond

65. The announcement of the intended closure of the plant was made on 18 April 2006. Discussions between the Company and the Unions commenced immediately. The Unions requested a substantial amount of information and some of this was made available between 4 and 14 May. By 16 June the Union had received most of the information, with the notable exception of the strategic report which was not shared due to its commercial sensitivity. The Company consider sufficient information was passed to the Unions by 26 July.

66. The first redundancies were on a voluntary basis and took place on 3 August 2006 with the final closure on 8 January 2007.

Conscientious consideration by (the employer) of the response to the consultation

67. The Unions put forward an alternative preliminary Business Case on the closure of Ryton to the Company on 12 May 2006 and received a response on 17 May explaining the reasons for rejecting the plan. The Company appears to have given conscientious consideration to the Unions’ plan and responded accordingly. However, this must be placed in the context of whether the information received by the unions was adequate to participate meaningfully in the consultation.

68. **Paragraph IV.4a** required that employers:

“Observe standards of employment and industrial relations not less favourable than those observed by comparable employers in the host country.”

69. The NCP did not receive any evidence from the Unions that the Company observed standards of employment less favourable than those observed by comparable employers in the UK.

**NCP Conclusion**

70. Obeying domestic law is the first obligation of business. The Guidelines are not a substitute for nor should they be considered to override national law and regulation. They represent supplementary
principles and standards of behaviour of a non-legal character, particularly concerning the international operations of these enterprises. While the Guidelines extend beyond the law in many cases, they should not and are not intended to place an enterprise in situation where it faces conflicting requirements.

71. The NCP concludes that PSA Peugeot Citroen provided reasonable notice of closures in regards to:

- Allowing workers the opportunity to start searching for new jobs
- The unions with the opportunity to negotiate on the phasing of the closures and redundancy package

72. However the NCP concludes that PSA Peugeot Citroen failed to meet the Guidelines’ expectation that notice should have been given to the Unions of the pending closure of the Ryton Plant. In particular the Company should have engaged with the Unions when the decision to make the closure was at a formative stage, providing sufficient information to allow the Union to understand the reasoning for the decision and to contribute appropriately.

73. The NCP concluded that PSA Peugeot Citroen did not provide sufficient information to the Unions to allow them to undertake meaningful negotiations with the Company on the closure of the plant.

74. Therefore, in regards to the individual paragraphs of the Guidelines, the NCP found the following:

IV.1.a –The Company met the requirements of the Guidelines.
IV.2.b –The Company failed to meet the requirements of the Guidelines.
IV.2.c - The Company failed to meet the requirements of the Guidelines.
IV.3 –The Company failed to meet the requirements of the Guidelines.
IV.4a –The Company met the requirements of the Guidelines.
IV.6 – The Company failed to meet the requirements of the Guidelines.

NCP Recommendations

75. The NCP recommends that PSA Peugeot Citroen adhere to chapter IV of the OECD Guidelines for Multinational Enterprises. In particular when considering closures of its premises, the Company should engage the unions at the appropriate time and provide adequate information for meaningful discussions to take place. In particular the Company should meet the requirements on “fair consultation” as defined by “R v British Coal” 1994:

- when the proposals were still at a formative stage
- Provide adequate information on which to respond
- Ensure adequate time in which to respond
- Conscientious consideration by (the employer) of the response to the consultation
1 February 2008

Margaret Sutherland
Department for Business, Enterprise and Regulator Reform
UK NCP

Nick Baker
Foreign and Commonwealth Office
UK NCP

Martin Taylor
Department for International Development
UK NCP
Statement by the United Kingdom NCP

Statement by United Kingdom National Contact Point for OECD Guidelines for Multinational Enterprises (NCP): Anglo American

May 2008

1. A ‘specific instance’ relating to Anglo American plc was submitted to the NCP on 21 February 2002 under the auspices of the OECD Guidelines for Multinational Enterprises by Non-Government Organisation Rights and Accountability in Development (RAID).

The OECD Guidelines for Multinational Enterprises

2. The Guidelines are recommendations that governments endorse and promote in relation to the behaviour of multinational enterprises. The Guidelines are voluntary principles and standards for responsible business conduct. They are the only comprehensive, multilaterally-endorsed code of conduct for multinational enterprises.

3. The Guidelines establish non-legally binding principles covering a broad range of issues in business ethics in the following areas of operation: general company policies, disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, responsible use of science and technology, competition and taxation.

4. The Guidelines are not legally binding but OECD governments and a number of non OECD members are committed to promoting their observance. The Guidelines are also supported by the business community and labour federations. In addition, a number of Non-Governmental Organisations are also heavily involved the work of the OECD Investment Committee responsible for monitoring and reviewing the Guidelines and are increasingly involved in overseeing the operation and promotion of the Guidelines.

The complainants:

5. Rights and Accountability in Development (RAID), A Non-Government Organisation founded in 1997 that aims through its research to promote social and economic rights and improve corporate accountability.

The company subject of the allegations

Anglo American plc.

6. Anglo American plc is the subject of the allegations submitted to the NCP by RAID. Prior to May 1999, the two principal constituent parts of what is now Anglo American plc were Anglo American Corporation of South Africa (AACSA) and Minorco. Minorco was a Luxembourg-based company that had no involvement in the copper industry privatisation process in Zambia.

7. AACSA was domiciled, headquartered and incorporated in South Africa and, moreover was the largest company quoted on the Johannesburg Stock Exchange. In 1999, a new British company, Anglo

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This specific instance does not follow the UK NCP process as published in May 2008. This is because this case was being finalised as the process was being agreed.
American plc, entered into a Scheme of Arrangement under which it purchased all of the outstanding shares of AACSA in exchange for shares of its own. AACSA remained in existence as a South African company, continued to own all its own assets and acts as holding company for Anglo American’s South African, and certain other, assets.

8. Anglo American plc also acquired all of the shares of Minorco in exchange for cash and its own shares.

9. AACSA therefore was not a UK company for the major part of the period covered by RAID’s complaint. In addition, the Anglo American Group has had a UK parent only since May 1999 and that, accordingly, the company directing the negotiations in Zambia was part of a UK-Group only after May 1999.

Applicability of the Guidelines

10. The dates of the events (1995-2000) that are the subject of the complaint by RAID and the date of incorporation of Anglo American plc in the UK (1999) are relevant. This is because the version of the Guidelines that applied at that time of the Zambian copper privatisation (1995-2000) related to enterprises and their activities in OECD member countries only.

11. Zambia is not a member of the OECD, and neither is South Africa – which is where AACSA was incorporated at the time. In the light of this, the issue for the NCP to resolve was whether it would be legitimate to accept the case and retrospectively apply the 2000 version of the Guidelines, which do apply to the activities of multinational enterprises in non-OECD countries, to RAID’s complaint.

12. The NCP sought the guidance of the OECD Investment Committee (CIME). CIME is the committee that coordinates work of OECD members in respect of investment and as such, monitors and provides guidance to NCPs. The eventual view of CIME was that it would reasonable for the NCP to accept the case under the terms of the 2000 Guidelines.

13. In any event, irrespective of the view of CIME, the company undertook to respond voluntarily to RAID’s concerns and to explain the company’s conduct from the mid-1990s.

14. Throughout the period of the consideration of the specific instance, the company made strenuous efforts to respond to questions from the complainant to detailed questions in respect of complex issues that occurred a number of years ago. It should also be recorded that both parties benefited from information and comments provided by DFID’s representation in Zambia which informed the NCP’s initial assessment (a copy of which is attached to this statement). Both parties also entered into a constructive and detailed exchange of information which clarified a number of issues. The constructive approach taken by RAID throughout this complex case is also commended by the NCP.

The Complaint

15. Relates to a number of issues arising from the privatisation of the copper industry in Zambia during the period 1995 -2000.

16. RAID allege that in the context of the privatisation process AACSA (one of the companies that merged with Minorco to form Anglo American plc – see paragraphs 6 – 9 above) through its nominated directors on the board of Zambian Consolidated Copper Mines (ZCCM – the Government agency operating the mines) influenced the privatisation process so that it favoured the aspirations of ACCSA at the expense of the Zambian Government. Specifically it is alleged that AACSA was able to purchase the
Konkola Deep Mining Project without entering into a competitive tendering process and that the company also obtained first right of refusal over the purchase of facilities at Mufulira (smelter and refinery) and Nkana (mine) thereby denying an opportunity for other enterprises to make an offer.

17. In connection with the privatisation process, RAID alleges that the company sought and accepted derogations from Zambian legislation in respect of taxation and environmental controls with the result that standards of environmental controls such as on emission targets were weakened and the health and safety of workers and the population in general suffered; and that the weakened environmental controls were not disclosed. Linked to the taxation derogations, RAID also allege that the company secured a number of financial incentives and concessions that were not available to other enterprises.

18. The complaint by RAID focussed on the following broad areas of the OECD Guidelines:

Influence over the regulatory framework in Zambia (Chapter II.5 – not seeking exemptions from regulatory framework).

- The terms of the privatisation

Anti competitive practices (Chapter IX – Competition)

- Konkola Deep
- Mufulira and Nkana

Tax concessions (Chapters II.5 and IX)

- Special concessions
- Seeking and accepting exemptions
- Government revenue
- Anti-competitive element

Environmental concerns (Chapter II.5)

- Environmental deregulation and derogation
- Emission targets

Social provision (Chapter II.1 – need to contribute to economic, social and environmental progress and II.2 – respect for human rights)

- Abdication from provision
- Fees and employees’ pay
- Access to services
- Cost recovery

Employment, training and local business development (Chapter IV.5 – need to employ and develop local personnel)

- Training and retraining
- Local suppliers and business development

Disclosure and consultation (Chapter II.2 – respect for human rights, II.4 – disclosure of material information on material issues to employees and other stakeholders)
Anglo American plc’s response to the Complaint

§. The Company responded that the RAID complaint was without foundation within the terms of the Guidelines. In relation to the first aspects of the complaint that the directors of AACSA allegedly behaved in an anti-competitive manner in relation to the privatisation of ZCCM, the Company pointed out that the Directors of Zambian Copper Investments (ZCI) had considerable and detailed knowledge of the assets involved and were entitled to take a view as to the privatisation model most likely to produce a competitive Zambian copper industry – given the interdependence between the mines. In arguing against the model proposed in the Kienbaum Report, the Directors did not thwart the settled policy of the Zambian Government nor insist upon their favoured model. In the event, privatisation proceeded on the basis of a study conducted by Rothschild.

§. The Company responded by noting that the Zambian Government had not at any time adopted the Kienbaum Report as its preferred way forward and Anglo American Directors had not blocked the adoption of the Report. The Zambian Government had not, in any case, shown a consistent desire to move forward speedily with the privatisation and their intentions were not clear. Thus it is impossible to apportion blame for the shelving of the Kienbaum model and the commissioning of the Rothschild Report and strange for RAID to portray donors as playing a negative role vis a vis the Zambian Government.

§. In relation to the process for the privatisation of the Konkola Deep asset, the Government of Zambia had been unsuccessfully seeking investors in the project for some years and had publicly invited expressions of interest from the corporate sector. None had been forthcoming. In the absence of such expressions, in late 1995 AACSA had offered to bring together a consortium and to conduct a feasibility study

RAID’s counterarguments

§. Opposition from Anglo American ended the prospects of the Kienbaum plan and delayed the privatisation of ZCCM. This placed the Zambian Government under immense pressure from donors to sell the mines quickly. Other investors were never invited to bid on Konkola Deep (KDMP) and it did not figure in the mine packages identified to be sold by competitive tender. The company’s exclusive options to develop KDMP and excise the Mufulira smelter from the recommended package did have ‘a chilling effect on competitive bids’.

§. Other mining companies had the same investment challenges, but without the benefit of special tax concessions and exemptions accorded to Anglo American. The Permanent Secretary to the Ministry of Mines and Minerals development stated: ‘The Government may not immediately realise substantial revenues from taxes and mineral Royalties due to the incentives accorded to the companies...’ Compliance with provision II.5 of the Guidelines does not, however, hinge on projections of government revenue nor upon the company’s return on investment, but rather on whether exemptions were sought or accepted. Concessions insisted upon in negotiations by Anglo American and framed in the sale agreements were subsequently incorporated in amendments to primary legislation.

§. The same pattern emerges in respect of environmental deregulation. Exemptions negotiated by the company allowed Konkola Copper Mines (KCM) to comply with its own ‘site-specific environmental standards’ and thereby exceed the existing World Bank guidelines on SO2 ambient air quality.

§. It is stated in the company’s social assessment that KCM, ‘is not directly involved in the management of social issues – e.g. service provision, healthcare or education – in Kitwe.’ Agreements with the mining union over
and an option was granted in that light.

§. The Government were, for this reason, welcoming of the Company’s willingness to shoulder the costs of feasibility studies and to seek other investors since this was the only route through which the deposit was likely to be developed at that time.

§. In relation to the terms of the privatisation of the existing operating assets, the Company also pointed out that when it, together with the Commonwealth Development Corporation and the International Finance Corporation, formulated the bid, no other significant player in the mining sector was prepared to participate in the process given the poor condition of the assets and low metals prices. Far from seeking to negotiate fiscal terms that would produce unusually attractive returns, terms were negotiated in a transparent manner between the parties, designed to ensure that the project would meet investment hurdle rates required of any projects of similar scale. Rather than disadvantage the Zambian Exchequer, the transaction removed the burden of operations that were losing cash at a rate of some $20 million per month and were otherwise facing closure. In the event, over the two years following privatisation, the operations cost Anglo American shareholders over $350 million – investment which helped to secure their viability under their present owners. In regard to the issue of environmental standards, the Company explained that far from lowering standards, the ZCCM assets had been non-compliant with Zambian law for some time before privatisation and that through its investment, environmental and health standards (especially in relation to malaria and HIV/AIDS), the environmental performance of the assets was significantly improved to the benefit of the workforce and the local population.

§. The Company pointed out that the RAID view of the impact of the wording of the Guidelines was not grounded in practicality since in the situation which they appeared to be seeking there would have been no investment continued social provision for employees were never disclosed and it has not been possible to establish that education and health services to the wider community were ‘on very much the same basis as under ZCCM’.

§. It is important to move away from the notion that Anglo American’s withdrawal from Zambia is proof that every concession and exemption sought from the government was justified: the decision to withdraw from KCM was based on an immediate lack of project finance and the particular circumstances of Anglo American plc and did not bring into question the longer term viability of KCM per se or the copper industry as a whole in Zambia. KCM was subsequently sold to a new investor and a significant recovery in the price of copper in recent years has increased the value and profitability of mining companies on the Copperbelt. KCM returned an operating profit of US$413 million in 2006-2007. Copper production in Zambia is projected to increase by over 150% over the period 2005 to 2010.
and the mines would probably have closed with implications for livelihoods, public services and the environment. Moreover, RAID never submitted a complaint against the similar terms accorded to the Mopani consortium which acquired the second largest parcel of resources. The RAID position is similarly impractical in relation to the environmental arrangements that were agreed between the Company and the Government. Their view would only have had merit if environmental performance was being allowed or intended to deteriorate. As the DIID assessment observed: ‘It should be noted that environmental management under ZCCM is widely acknowledged to have been very weak, leaving a costly legacy’. Prior to Anglo American’s ownership, for example, on a mass balance basis 75% of sulphur emissions ended up passing into the atmosphere, but within 18 months that had already been reduced by 40% and the environmental programme was designed to achieve a twentyfold reduction in ambient CO2 levels.

§. The Company also noted that RAID was mistaken in characterising the decision by Anglo American to withdraw from its ownership of KCM as in some way specific to the circumstances of the Company rather than indicating a lack of viability for the KCM assets. The other KCM shareholders – the IFC, private sector arm of the World Bank, and the UK Government owned Commonwealth Development Corporation - were similarly unwilling to commit additional funds. The onward sale by the Government of Zambia to Vedanta Resources, some while later, would not have been possible but for Anglo American’s investment in the assets which reduced production costs by over a quarter and the fact that the operations were gifted back to the Government of Zambia debt free.

Concluding remarks

19. It is usual practice for the NCP to make determinations of compliance and to issue recommendations in respect of a specific instance on those matters which remain unresolved. On the narrow facts of the current specific instance under consideration, the NCP does not propose to make any recommendations aimed at achieving compliance for the pragmatic reason that a considerable period of
time has passed since the ZCCM privatisation was concluded, during which Anglo American has sold the companies that are the subject of the complaint.

20. However, the NCP compliments both RAID and Anglo American for engaging constructively throughout this long running case and sharing a great deal of information about issues and events that were the subject of the original complaint. This exchange resulted in the clarification of a complex case and a deeper mutual understanding of both parties.

21. The complainants did raise a number of issues that the Government encourages all enterprises to address in all their activities at home and abroad. The NCP therefore takes the opportunity of this statement to draw to the attention of all UK companies, including Anglo American, the recommendations on responsible business behaviour contained in the OECD Guidelines for Multinational Enterprises. The NCP is currently developing a Guidelines promotion campaign and in this context, NCP staff are available to visit enterprises and other organisations in order to conduct awareness raising events.

22. The NCP also draws attention to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, which has been developed as part of CIME’s follow up to the Guidelines. The Risk Awareness tool consists of a list of questions that companies might ask themselves when considering actual or prospective investments in weak governance zones. The questions cover the following issues:

- Obeying the law and observing international relations.
- Heightened managerial care.
- Political activities.
- Knowing clients and business partners.
- Speaking out about wrongdoing.
- Business roles in weak governance societies – a broadened view of self interest.


UK NCP
May 2008
Date 10 June 2003

Mr Edward Bickham Esq.
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Anglo American plc
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Dear Mr Bickham,

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES:
SUBMISSION ON ANGLO AMERICAN OPERATIONS IN ZAMBIA

As you know we received a report from DFID Zambia on the allegations made by RAID and AFRONET in respect of alleged breaches of the OECD Guidelines for Multinational Enterprises ("the Guidelines") by Anglo American ("AA") relating to your operations in Zambia.

The procedure under the OECD Guidelines is as follows:

- The DTI, acting as the National Contact Point (NCP) under the OECD Guidelines passes the report by DIM Zambia and our initial assessment to you. I also enclose the paper from DFID Zambia which comments on points made by RAID/Afronet.

- You have an opportunity to comment on any outstanding points or supply additional information on the matters raised. I appreciate that there is quite a bit to take on board in this letter and the MID document but I would be grateful for a response by one month from the date of this letter.

- We will then take the report, initial assessment and any information you supply to the complainants who will be invited to respond within one month, we will then copy their reply to you. We would hope that any outstanding matters could be resolved by constructive dialogue between the two parties. We would be happy to assist with this.

- There is no timeframe on this dialogue, however, if, at any point during this dialogue either party feels the discussion is exhausted, they can ask the NCP to make a statement.
1) INFLUENCE OVER REGULATORY FRAMEWORK

Kienbaum

There appears to be no evidence of any breach of the Guidelines on this point.

Rothschilds

There appears to be no evidence of any breach of the Guidelines on this point.

2) ANTI-COMPETITIVE PRACTICES

Konkola

We consider that the authors present a reasonable prima facie case. Reference is made to the recommendation, in the Kienbaum report, for competitive bidding - it has already been alleged in the report that AA was the primary cause of that report being rejected.

We would like to draw your attention to this issue and invite you to comment or provide further information, which we will offer to the complainants.

Postponement of Konkola Purchase

It is asserted that AA 'unreasonably refused to deal'. There seems to be, however, nothing in the succeeding text to support this claim of unreasonableness.

We consider that there is a lack of clear evidence for asserting that AA anticipated and planned all of the complained of developments. In particular, there is no evident causative link between AA and the collapse of the Kafue Consortium bid. The significance of the collapse in the price of copper and the onset of recession in Asia appear to us to be understated in the complaint.

Although apparently significant in themselves, the facts and figures set out at the end of this section (on page 3.7) do not, on the information presented, seem to be capable of being sufficiently clearly causally linked to the alleged 'unreasonable refusal to deal'.

Consequently, on the evidence provided, there appears to us to have been no breach of the Guidelines on this point. Should you wish to comment further on this point please be assured that we will pass on your comments to the complainants.

Mufulira and Nkana

The information supplied by DFID reveals a tangled web of dealings on this issue. It is debatable as to whether the option held over the smelter and refinery by AA did not have a chilling effect on competitive bids. Such activities might be said, at the time, to have fallen under the general 'abuse of a dominant position' provision as set out at 3.5 of the report.

We would draw your attention to this issue and invite further comments.
**Tax and Environmental Concessions**

It is unclear to us how the obtaining of such concessions can be said to be anticompetitive per se, particularly in the context of the OECD Guidelines (Chapter X in particular). It is our view that consideration of these allegations seems to sit more properly with the later allegation of seeking or accepting exemptions from the statutory or regulatory framework (Chapter II General Policies 5. of the OECD Guidelines - Part (I) of the report).

However if the complainants were to produce any new evidence to the effect that AA brought pressure to bear on the Government to provide these tax incentives we may wish to reconsider this matter. Our assessment of this allegation takes account of the fact that the plant seems to have become rather run-down, and the Government, for economic reasons, may have decided of its own volition to offer additional incentives to dispose of it. We would welcome your views on this point.

3) **FINANCIAL INCENTIVES AND CONCESSIONS**

**Tax**

See above.

**Foreign exchange**

There appears to be no evidence of any breach of the Guidelines on this point.

4) **SOCIAL PROVISION**

The exact position of AA in relation to the Nkana operation and its owner (beyond the fact of AA managing the operation) is unclear to us and we would welcome further clarification from you on this matter.

The complaints under this heading do seem significant in the context of Chapter I General Principles 1. and 2. of the OECD Guidelines. In order to be able to consider them more fully, it would be helpful to know the provision of what facilities, where, have been abdicated (by AA in particular)? Where services are now being provided on a fee-paying basis, how do such fees differ to the pre-existing arrangements and whether there is any corresponding change in employees' pay? This information would help to demonstrate whether or not there has been any financial detriment to workers receiving such services. To whom are the services accessible a) in theory - i.e. are they explicitly restricted, for example, to employees and their families or are they open to the community at large (if one exists beyond such people) and b) in practice - i.e. who is actually able to pay for such services, if chargeable, and to what extent? It is, in our view, also important to know the extent to which the fees charged represent the actual cost of the services provided.

The actual extent of social difficulties experienced in respect of these allegations is not yet clear but the information presented in the report does, in our opinion, warrant comment from AA.

5) **EMPLOYMENT, TRAINING AND LOCAL BUSINESS**

With regard to a), without knowing details of the deal between the parties concerned it is difficult to identify whether AA is guilty of conduct which breaches the Guidelines. Perhaps AA would like to comment on this?
In (b) it would be helpful if AA could supply some examples of contractual agreements with local suppliers and of specialised items which cannot be bought in Zambia.

As regards (c), clarifications are sought on a number of issues in the DFID report including inter alia,

the list of local companies with ownership details; - the copy of the IFC study on local business development (excluding the amount of the AA/KCM contribution); - the number of Zambian businesses funded in the Business partners for Development programme; - whether or not it has prepared a Local Business Development Programme and whether or not the IFC initiative is a part of or separate to this; - why KCM sought exemptions from import duty in primary legislation (if it is the case that it did).

6) ENVIRONMENTAL REGULATION AND HEALTH AND SAFETY

Initial Environmental Deregulation

The Complainants' allegation is that the Rothschilds report and associated 'model' development agreements must have been subject to the approval of [AA] by virtue of its position on the ZCCM board and it can only be assumed that the company therefore exercised a degree of influence over the proposals for environmental deregulation."

This is, in our view, a complaint based on 5. of Chapter II General Policies of the OECD Guidelines.

The question is whether AA did, in fact, influence to a significant extent the formation of the statutory or regulatory framework, by seeking or accepting relevant exemptions contained therein which could be said to fall within the spirit of the above cited provision of the OECD Guidelines.

AA may wish to clarify or comment on the above.

Additional Deregulation Applicable to KCM

There is insufficient information available on why GRZ has undertaken to take no action against KCM for failure to comply with environmental legislation, nor as to why KCM has an extended stability period (to 2020, compared to 2012-2015 for other proprietors), for us to assess whether there is cause for concern under the OECD Guidelines under this head of complaint. In this regard we would welcome clarification from AA on whether there were or are particular concerns in relation to the KCM opeBriliiii;kOVetlifidabiVe thoie Taced by other operators, may g_o some way to justiing these concessions and the nature and extent of any such particular problems?

With regard to standards actually 'set' for emissions etc., these would seem to fall within Chapter V Environment I. or 3. of the OECD Guidelines.

We would welcome further information from AA on its involvement in the formulation of the standard for sulphur referred to in the report in order to more fully consider this matter.

Health and Safety

Although no specific breach of the OECD Guidelines is here alleged, the issue does seem, potentially, to fall within 5 of Chapter V Environment. We would welcome AA's views on this matter.
7) DISCLOSURE AND ACCOUNTABILITY

We note that, the complaint does also indicate (at page 3.26) that AA requires the consent of the Zambian Government for the disclosure of relevant parts of the KCM development agreement. The authors of the complaint would appear to have improperly discounted this obstacle, if it is accurately represented.

There are allegations that AA has failed to comply with IFC guidelines on disclosure. We have not had an opportunity to consider these particular complaints in that context but do not think that they are relevant under the OECD Guidelines.

As with the second paragraph under (4) above, where it is said that there is no independent information in relation to the claims, it must be considered whether satisfactory evidence could be presented and, if so, whether the activity complained of is contrary to the OECD Guidelines. With regard, in particular, to the squatters issue, it seems likely that independent evidence of the relevant circumstances could be obtained. The lack of independent evidence may not necessarily prevent a finding of a breach of the Guidelines. We note that the DFID report does not dismiss this claim by the complainants.

If the complainants allegations were to be substantiated, breaches of Chapter H General Policies 2. of the OECD Guidelines (respect for human rights), Chapter III Disclosure 4. f) (disclosure of material information on material issues to employees and other stakeholders) and Chapter V Environment 2. b) (adequate and timely communication and consultation with directly affected communities) could arise.

AA is invited to comment on this issue.

Yours sincerely,

Duncan Lawson

National Contact Point for the OECD Guidelines for Multinational Enterprises.
## APPENDIX.

### CONTACT DETAILS FOR NATIONAL CONTACT POINTS

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<th>Contact Details</th>
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<thead>
<tr>
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The European Commission is not formally a “National Contact Point”. However, it is committed to the success of the Guidelines.