This note is submitted for discussion under item 5 of the agenda at the meeting of the Working Party on the OECD Guidelines on 20-21 September 2000.

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THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES: USER’S GUIDE – DRAFT OUTLINE

(Note by the Secretariat)

1. It was understood within the CIME Working Party on the Guidelines that a new edition of the User’s Guide to the OECD Guidelines for Multinational Enterprises (1994 “Green Book” [OCDE/GD(97)40] would be needed as a means of furthering effective implementation of the Guidelines.

2. This document would be more comprehensive than the booklet produced following the OECD Council Meeting at Ministerial Level in June 2000 (the “Ministerial booklet”)1. It would serve as a new user’s guide to the Guidelines, providing information on the instrument and its functioning. This publication could be useful to business and labour organisations, as well as the interested public.

3. Following discussion of this first outline of the User’s Guide at the September 2000 meeting of the WPG, the Secretariat could be instructed to prepare a more detailed draft which the Chair could use in consultations with delegations, BIAC, TUAC and NGOs. The Working Party would then be in a position to examine a completed draft at its December meeting. A final version of this text could be sent for publication in early 2001.

Proposed Contents of the User’s Guide

4. The annex to this note comprises a detailed table of contents which could be envisaged for the new User’s Guide.

5. Where possible, the approach for this publication would be to use language previously discussed and agreed within the WPG or CIME, such as the booklet produced following the June 2000 Ministerial Meeting, the 1994 “Green Book” and other material already available on the OECD Guidelines website (http://www.oecd.org/daf/investment/guidelines/index.htm). In particular, the Foreword, the Declaration on International Investment and Multinational Enterprises, and Parts 1, 2 and 3 reproduce verbatim the material contained in the Ministerial booklet. For the sake of consistency and in order to avoid confusion between users of the different publications (Ministerial booklet and User’s Guide) the same presentational format would be used.

Foreword

6. The User’s Guide would start with a Foreword - reproduced from the Ministerial booklet - comprising the statement by the Secretary General of the OECD, the statement by the Chair of the 2000 OECD Council Meeting at Ministerial level, and the relevant extracts from the final news release at the June 2000 Ministerial (PAC/COM/NEWS(2000)70, paragraphs 26 and 27).

Introduction

7. A short introduction (4 pages) would then explain the main features of the Guidelines and how they work, explaining the roles of National Contact Points, the CIME, business and labour representatives and other interested parties. A brief section on the 2000 Review of the Guidelines is also proposed for this introduction. These sections would update the existing 1994 “Green Book”, using language from the Report by the Secretary General on the Review 2000 [C(2000)96/REV1], as well as the frequently asked questions (FAQs) posted on the OECD Guidelines website.

Declaration

8. The text of the Declaration on International Investment and Multinational Enterprises would be reproduced here.

Part 1


Part 2


Part 3

11. This part would contain the commentaries as discussed by the CIME and social partners during the 2000 Review. As in the Ministerial booklet, a proviso could be included stating that the commentaries have been prepared by the CIME and are not formally part of the Declaration, nor the Decision.

Part 4

12. This fourth part would include clarifications, originating from previous reviews or requests for clarifications. The clarifications would reproduce language from Chapter IV, “Commentary on the Guidelines” appearing in the 1994 “Green Book” and which is still relevant to the revised Guidelines, and add relevant language from clarifications issued between the 1991 and the 2000 Reviews. In some cases, the language drawn from these clarifications may need adaptation to reflect the new text of the Guidelines.

13. As in the 1994 version, a short note explaining the nature of the clarifications as well as their sources would precede the clarifications themselves.

Appendices

14. Two appendices could also appear. Appendix 1 would be a list of National Contact Points. With the assistance of BIAC, a second appendix could comprise a list of national business federations supporting the Guidelines which was a feature of the 1986 version of the “Green Book”.

Glossary

15. Finally, in order to facilitate reading of this publication, a glossary of terms would be added to explain briefly the definition of expressions or acronyms currently used in the publication, such as “the Declaration”, the CIME, NCPs, etc.
Annex

THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES:
USER’S GUIDE - PROPOSED TABLE OF CONTENTS

FOREWORD
- Statement by the Secretary-General of the Organisation for Economic Co-operation and Development
- Statement by the Chair of the OECD Council Meeting at Ministerial level, June 2000
- Extracts from the Final News Release at the Ministerial, June 2000

INTRODUCTION
- Main Features of the Guidelines
- How the Guidelines work
  - National Contact Points
  - The OECD Committee on International Investment and Multinational Enterprises (CIME)
  - The role of labour and business representatives
  - Other interested parties
- The 2000 Review of the Guidelines

DECLARATION ON INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES

PART 1. THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
  Preface
  I. Concepts and Principles
  II. General Policies
  III. Disclosure
  IV. Employment and Industrial Relations
  V. Environment
  VI. Combating Bribery
  VII. Consumer Interests
  VIII. Science and Technology
  IX. Competition
  X. Taxation

PART 2. IMPLEMENTATION PROCEDURES OF THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
  Decision of the OECD Council
  Procedural Guidance

PART 3. COMMENTARIES
  Commentaries on the OECD Guidelines for Multinational Enterprises
  Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises

PART 4. CLARIFICATIONS

APPENDICES
  Appendix 1 – List of National Contact Points
  Appendix 2 – List of business federations supporting the Guidelines

GLOSSARY OF TERMS