



2007 ANNUAL MEETING OF THE NATIONAL CONTACT POINTS

Report by the Chair

19-20 June 2007

This document reproduces the report by the Chair of the 2007 Annual meeting of National Contact Points which was held on 19-20 June 2007. It will form part of the forthcoming publication "Annual Report on the OECD Guidelines for Multinational Enterprises 2007".

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REPORT BY THE CHAIR OF THE 2007 ANNUAL MEETING OF THE NCPs

1. 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 (NGO), notably OECD Watch, to seek their inputs on how to further enhance the effectiveness of the Guidelines. Additionally, a back-to-back roundtable with practitioners is organised to assist NCPs to better understand emerging issues and policy developments relevant to the Guidelines. This year’s event took place on 18-20 June 2007. The Corporate Responsibility Roundtable was devoted to the financial sector and the role of the Guidelines.¹

The present report reviews NCP activities as well as other implementation activities undertaken by adhering governments over the June 2006 - June 2007 period. It is based on individual NCP reports and on other information received during the reporting period. The report is divided into five additional sections: Section II – Institutional Arrangements; Section III – Information and Promotion; Section IV – Specific Instances; Section V – the OECD Risk Awareness Tool for Multinational Enterprises; and Section VI – Considerations for Future Actions.

Overall, this year’s NCP reports show considerable activity with regards to the Guidelines that has led to a continuous increase in their visibility and use. Several adherents have strengthened their institutional arrangements by adopting important modifications to the organisation and functions of their NCPs or by amending their specific instances procedures to make them more user-friendly and accountable. Particular attention has been given to continuing to position the Guidelines in the mainstream of corporate responsibility initiatives while encouraging a more intense co-ordination between the work on the Guidelines and other instruments. Promotional efforts have continued to expand and diversify with the goal of making the Guidelines more accessible and attuned to targeted audiences. A number of adherent governments have taken steps to promote the use of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.

The NCPs’ reports also show a significant increase in the number of specific instances raised (26 more than in last year’s report) for a total of 156 requests since the June 2000 Review. Of these, 134 specific instances (38 more than last year) have been considered by the NCPs. Several NCPs report increased efforts to better co-ordinate and consult on individual cases, notably those involving multiple requests to different NCPs on similar cases. Also, several NCPs reported being more pro-active in their search for amicable solutions to disputes by increasing their mediation and conciliation efforts. This not only suggests a continued support for the specific instances facility but also greater familiarity with the procedures and a desire to make them work in practice.

In addition, the profile of the Guidelines has been enhanced at the highest political level. At their Summit in Heiligendamm, Germany, on 6-7 June 2007, the G8 leaders specifically committed themselves to promote actively internationally agreed corporate social responsibility standards such as the OECD Guidelines for Multinational Enterprises, high environmental standards, and better governance through the

National Contact Points. They also called for private corporations and business organizations to adhere to the principles in the OECD Guidelines. In addition, they encouraged the emerging economies as well as developing countries to associate themselves with the values and standards contained in the OECD Guidelines and invited major emerging economies to a High Level Dialogue on corporate social responsibility issues using the OECD as a platform. The special features of the OECD Guidelines as one of the most comprehensive corporate responsibility instruments endowed with an implementation mechanism were also highlighted by the work of the Special Representative of the United Nations Secretary-General on Human Rights and Trans-national Corporations and Other Business.

Finally, the OECD Investment Committee has developed new avenues for promoting wider awareness and use of the Guidelines. In March 2007, the Organisation adopted the “OECD Principles for Private Sector Participation in Infrastructure” which cover the promotion of responsible business conduct based on the Guidelines. The Guidelines have also been given high visibility in the Committee in the context of the ongoing co-operation projects with China and the Russia Federation. Moreover, Egypt has been invited to become the 40th adherent to the Declaration on International Investment and Multinational Enterprises and to establish a National Contact Point.² Additional requests for adherence to the Declaration by other non-OECD countries are under active consideration.

While welcoming the process made during the June 2006 - June 2007 period, NCPs agreed that more should be done to further the effectiveness of the Guidelines. With this goal in mind, they considered that the 2007-2008 implementation cycle should focus on improving the value of the specific instances facility to interested parties (including business), the supporting role of the Guidelines in the financial sector and the promotion of the Guidelines in non-adhering countries.

II. Reinforcement of the institutional arrangements

The current NCP structures consist of:

- 20 NCP single government departments³;
- 7 NCP multiple government departments⁴;
- 1 bipartite NCP (involving government and business)⁵;
- 9 tripartite NCPs (involving governments, business, and trade unions)⁶; and
- 2 quadripartite NCPs (involving governments, business, trade unions and NGOs)⁷.

Compared with 2000, the first year of operation of the NCPs under the reviewed Guidelines, the number of NCPs with tri- or quadri-partite organisation has increased. In addition, NCPs enhance the inclusiveness of their activities through other means. A number of countries use advisory committees or permanent consultative bodies whose members include non-government partners. Others convene regular meetings with business, trade unions and civil society. Still others consult with NGOs or other partners on an informal basis or in reference to specific issues.

The main developments over the reporting period can be summarized as follows.

Innovations in NCP structures and procedures

Argentina is developing a new institutional structure for its NCP consisting of (a) a Steering Board; (b) an Advisory Council; and (c) a Multi-stakeholder Assembly. The Steering Board, which will decide on specific instances, will have a tripartite body composed of business, labour and civil society representatives. Guidelines on the functioning of the Steering Board will be issued soon. The Advisory

Council, which will comprise other areas of government as well as the Steering Board members, will play a consultative role on issues relating to the application and promotion of the Guidelines. The Multi-Stakeholders Assembly will be open to all parties interested in the promotion of the Guidelines.

Brazil. After completion of a public consultation process, an internal resolution concerning NCP procedures (Resolution NCP N° 01/2007) has been adopted. Its main objective is to confer transparency, predictability and improved organisation to the activities of the Brazilian NCP and to better offer guidance and relevant information to potential users of the Guidelines. A “Model for Filing Complaints” has been developed in this context. In addition, the new Resolution requires the Brazilian NCP to formally present its position when a complaint is filed and to issue a final statement describing the attained results in each case. Brazil is also discussing the creation of an Advisory Committee to the Brazilian NCP to advise the NCP on strategies, measures, and activities to effectively promote the implementation of the Guidelines. In the meantime, a decision has been taken to systematically invite the Brazilian Labour Union CUT to future NCP meetings with civil society representatives.

Canada has created a new entry in the Canadian NCP website to increase transparency regarding the submissions received and the implementation of specific instances.

Chile reports that on the occasion of a regional seminar organised by Chile in April 2007 on the Guidelines, the four NCPs from Latin America (Argentina, Brazil, Chile and Mexico) agreed to establish a permanent co-ordination framework on their activities.

Following the completion of its in-depth review of the role and functioning of its NCP, the *Netherlands* will put in place a new NCP structure in June 2007. This structure will consist of an independent council – the NCP Council – composed of a chairman and three members appointed by the Minister for Foreign Trade after consultations with the Ministry of Foreign Affairs, the Ministry of Housing, Spatial Planning and Environment, and the Ministry of Social Affairs and Employment. Although the four members of the Dutch NCP Council will not formally represent different groups of stakeholders, the Minister for Foreign Trade will ensure a balanced composition of the NCP Council. It is also envisaged that if the NCP Council, after dealing with a specific case, produces a statement, this statement will be presented to the Minister for Foreign Trade, who will either merely endorse it or, if he so wishes, add his comments before the statement is made public. The Ministry of Economic Affairs will be in charge of the secretarial back-up to the NCP Council and will provide internal coordination with other ministries and necessary information and advice when requested. The Ministry of Economic Affairs will also act as the liaison between the OECD Investment Committee and the Dutch NCP Council.

In the *United Kingdom*, as a result of an extensive consultation process, a Steering Board, chaired by a senior official of the Department of Trade and Industry, has been established to oversee the work of the NCP. The Steering Board includes external members drawn from outside Government, selected for their experience in business, employee relations and issues of concern to NGOs. The final external member was put forward by the All Parliamentary Group on the Great Lakes Region and Genocide Prevention due to this group’s key role in the recent improvements to the UK NCP. Other Government Departments and agencies with an interest in the OECD Guidelines are also represented (Attorney General’s Office, Department for Environment, Food and Rural Affairs, Department for Constitutional Affairs, Department for International Development, Department for Work and Pensions, Export Credit Guarantee Department, Foreign Office, UK Trade and Investment and the Scottish Executive). The Board met for the first time on 22 May 2007. In addition, the UK NCP has been transformed into a multi-department unit, consisting of officials from the Department of Trade and Industry (DTI), Foreign and Commonwealth Office (FCO) and Department for International Development (DFID), with DTI acting as Secretariat for the NCP.

In addition, as part of continuous efforts to improve the functioning of NCPs, the *Lithuanian* NCP has been transferred from the Company Law division of the Company Law and Privatisation department to the Investment Policy division of the Investment and Innovation department of the Ministry of Economy and a new NCP chair has been appointed. The co-ordination role of the *Norwegian* NCP has been transferred to the Section for Economic, Commercial and CSR Affairs in the Ministry of Foreign Affairs. Following an internal national reorganisation in *Portugal*, the contacts of the Portuguese NCP have changed.

Building synergies between the Guidelines and other global corporate responsibility instruments

A number of NCPs report increased co-ordination within governments between the activities relating to the Guidelines and other corporate responsibility instruments such as the UN Global Compact. As already reported in the 2006 NCP Annual Report, the German NCP was contacted by the German network of the Global Compact and asked whether it could provide mediation for possible cases of non-observance with the Global Compact principles. The German NCP welcomed this request and suggested a two-step procedure to which the Global Compact representatives agreed: first, the Global Compact tries to solve possible problems within its reporting system; second, if the results are not satisfactory, the problem could be presented to the German NCP as a 'specific instance', which would offer its mediation according to the OECD Guidelines and following the standards of the 'OECD Procedural Guidance'. The stakeholders of the UN Global Compact Germany have approved and formalized this possibility of cooperation.

Sweden also reports that the Swedish NCP and the Swedish Partnership have a very close relationship with the UN Global Compact and its local networks. The Partnership has close contacts with the Nordic Global Compact Network and the Swedish NCP Chair participates in Annual Compact Network meetings.

III. More intensive and effective information and promotion activities

The June 2000 Decision of the OECD Council calls on NCPs to undertake promotional activities. The reporting period witnessed an intensification of, and more impact-orientated, information and promotional activities. The present section summarizes the activities described in the individual NCP reports.

III.a Selected promotional activities

Developments and innovations in promotion include:

- *Argentina – a major multi-stakeholder event* was organized by the Argentine NCP to raise awareness of the Guidelines.
- *Australia* reports that the Australian NCP provides information on the Guidelines to all approvals for foreign business proposals.
- *Brazil – re-engineering the Brazilian NCP website*. A new independent website “Corporate Social Responsibility – OECD Guidelines for Multinational Enterprises” has been created to better promote and promulgate the Guidelines, explain the function of the NCP and respond to enquiries. The Brazilian NCP was also engaged in several promotional activities, notably with multinational enterprises and Brazilian labour unions and conducted interviews with specialised magazines. In addition, a mailing list now communicates Guidelines developments to interested stakeholders.
- *Canada – promoting responsible conduct in the extractive industries*. Over the June-November 2006 period, Canada sponsored four multi-stakeholder “Roundtables on CSR and the Canadian Extractive Sector in Developing Countries” to better identify and manage the social and

environmental risks of the Canadian global extractive sector. This provided a unique opportunity to make the Guidelines and the Canadian NCP better known to concerned parties. The Advisory Group on these Roundtables, which issued its report on 29 March 2007,⁸ recommends the development of a “Canadian CSR Framework” pulling together all the standards that Canadian extractive sector companies are expected to meet, and the creation of a compliance mechanism facilitating dispute resolution. A government response is under preparation. The Canadian NCP has also been providing support and advice on the OECD Guidelines to the Canadian Government Working Group on the Democratic Republic of Congo in its development of a strategy on CSR in the mining sector. In March 2007, the Canadian Embassies in Ecuador, Peru and Guatemala organised CSR seminars which attracted, amongst others, NGOs, local political authorities and representatives of Canadian companies, especially in the mining sector.

- *Chile – promoting the Guidelines at the sub-national level.* The Chilean NCP organised a seminar on the Guidelines at the Austral University in Valdivia to make the Guidelines better known on a regional level.
- *Finland –* The Finnish NCP promoted the OECD Guidelines, the Policy Framework on Investment and the OECD Risk Awareness Tool at four high-level CSR events organised or hosted by the Finnish government: the Finnish EU Presidency conference “Corporate Social Responsibility Policies Promoting Innovation and Competitiveness”, Brussels, 22 November 2006; the “OtaEco 2006 Environment and Corporate Social Responsibility Congress”, Espoo, 7-8 November, 2006; the OECD Watch Regional Roundtable “Toward a Model European National Contact Point”, Helsinki, 27 April 2007; and the Finland/OECD Workshop on “Labour-Related Immigration and the Environment for Foreign Direct Investment in Finland”, Helsinki, 5 March 2007.
- *Greece – promoting visibility.* An informational leaflet has been prepared and widely circulated to the public by the Ministry of Economy and Finance. A meeting with other government agencies, business and trade unions was organised to discuss a more active promotion of the Guidelines. The Greek NCP has also associated its activities with that of the Hellenic Network for Corporate Social Responsibility, partners of CSR Europe and the Hellenic Organisation for Standardisation.
- *Israel – continuous promotion.* A new internet site was created in May 2007 with a direct link to the Israeli NCP.
- *Italy – measuring the impact of CSR.* The Italian NCP has sponsored two surveys on the impact of CSR policies on small and medium-sized enterprises (SMEs), – namely “Possible Impact of the Corporate Social Responsibility on Economic Dynamics of the Italian SMEs” and “The Impact of Environmental Choices on the Performance of Italian SMEs” – showing a positive correlation between the norms promoted by the Guidelines and the economic and financial performance of enterprises. The Italian NCP has also encouraged the use of the Guidelines at several events such as the “Third Annual Forum on Business Ethics and Corporate Responsibility in a Global Economy”, July 2006; “CSR between the Public Sphere and the Entrepreneurial World”, September 2006; and “Supply Chain, Human Rights and Advantages for Italian Responsible Enterprises”, October 2006.
- *Japan – making the Guidelines work.* The Japanese NCP organised a meeting with the Japanese Trade Union Confederation (RENGO). Web links to the Guidelines have been created in the Ministry of Economy, Trade and Industry, the Ministry of Health, Labour and Welfare and the Japanese External Trade Organization (JETRO).

- *Netherlands – SMEs and consumer interests.* The Dutch NCP has worked with MVO Nederland, the Dutch semi-governmental knowledge centre on CSR, on assisting SMEs in implementing the Guidelines. In September 2006, Netherlands also hosted a conference in Rotterdam on CSR, Trade, and the Consumers where the consumer interests chapter of the Guidelines was discussed. It also made a presentation on the Guidelines at the 12th International Anti-Corruption Conference held in Guatemala City in November 2006.
- *Norway – The Oslo Agenda for Change.* The OECD Guidelines were highlighted as a practical tool to advance CSR at the Oslo Conference on Good Governance and Social and Environmental Responsibility in March 2007.
- *Poland – regional promotion.* A conference was organised in February 2007 by the Polish NCP in co-operation with Świętokrzyska Regional Development Agency in Kielce to promote the Guidelines in various regions of Poland.
- *Portugal – combating corruption.* The Portuguese NCP reports that the fight against corruption was the main focus of its promotional activities over the past year.
- *Romania – promoting visibility.* The Romanian NCP improved the NCP website and made a presentation at an MBA executive program.
- *Spain –* The OECD Guidelines have been translated into the Catalan and Galician languages. The Spanish NCP participated in conferences and seminars on the Guidelines organised by the Madrid Chamber of Commerce and the Finance and Development Company (COFIDES).
- *Sweden –* The Swedish Trade Union Confederation has received government funds to publicise the Guidelines in developing countries. This has also been one of the priority areas for the ambassador and head of the Swedish Partnership for Global Responsibility which engaged in various promotional activities in China, Vietnam and Ghana. The role of the financial sector in the CSR field was also actively discussed between financial institutions and the Swedish NCP.
- *Switzerland – special focus on the financial sector.* A seminar was organised with the participation of the Swiss NCP to inform financial institutions on the Guidelines and assess their role for the financial services industry. The same topic was discussed at a meeting of the NCP's consultative group of stakeholders. In another promotional activity, the Swiss government provided support to the organisation by the Swiss Trade Union of a seminar in Belgrade in April 2007 to promote the Guidelines in South East Europe and to translate the Guidelines into the Serb language.
- *United Kingdom – assisting stakeholders.* At the end of May 2007, the Secretary of State for International Development and the Minister for Trade, Investment and Foreign Affairs wrote jointly to key stakeholders including business, trade unions and NGOs to promote the OECD Guidelines. The UK NCP has also been particularly keen to engage with individual companies seeking input on their CSR strategies.
- *European Union –* The Guidelines have been referred to notably in the European Parliament Resolution of 13 March 2007 on Corporate Social Responsibility: a new partnership (2006/2133(INI)) that addresses, among other issues, Europe's contribution to global CSR. The resolution focuses on the role of National Contact Points and on the Parliament's recommendation for a broad definition of investment that encompasses supply chain issues.

- *European Commission – active support of the Guidelines.* Through attendance at CSR events and seminars, the Commission has promoted the Guidelines as a key international instrument on CSR. In particular, the presentation made at the Decent Work conference in Brussels in December 2006 and the Public Hearing on Corporate Responsibility organised by the European Parliament Human Rights Committee in January 2007 referred to the importance of the Guidelines. Discussion and promotion also take place internally among the various directorates that follow CSR issues and with member states, notably during the High Level Group of CSR Representatives on 7 May 2007.

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

- Outreach to companies via contacts or presentations to individual companies or business associations (Australia, Canada, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Latvia, New Zealand, Portugal, Slovak Republic, Switzerland, United Kingdom, United States). The Estonian Chamber of Commerce and Industry has used the Guidelines as a benchmarking tool to study the CSR practices of Estonian companies.
- Consultations and organisation of meetings with national partners (Argentina, Brazil, Canada, France, Greece, Italy, Latvia, Sweden, Switzerland, United Kingdom, United States).
- Newsletters, articles in the press or other promotion through the media (Argentina, Brazil, Korea, Romania). The Italian, Slovak and Korean NCPs have launched email newsletter services.
- Participation in conferences organised by non-governmental actors (Argentina, Australia, Belgium, Canada, France, Greece, Italy, Japan, Korea, Poland, Portugal, Spain, Switzerland, Turkey, United Kingdom). Several NCPs (Argentina, Australia, Austria, Belgium, Canada, Estonia, Greece, Finland, Latvia, Netherlands, Norway, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom) participated in one or several of the multi-stakeholder conferences on the OECD Guidelines organised during the reporting period by OECD Watch in Bratislava, Brussels, Helsinki, and Madrid on the theme “Toward a Model European National Contact Point”.
- Development of promotional material and mailings (Israel, Italy, Japan, Netherlands, Portugal, Poland, Romania). Website development (Canada, Greece, Hungary, Israel, Italy, Japan, Romania). A special article on the Guidelines was published in the Romanian Economic and Business Review. In addition, Argentina published a book on the Guidelines.

III.b Promotional activities within governments

- Promotion through presentations to government departments or agencies or by high-level officials (Argentina, Brazil, Canada, Chile, Greece, Lithuania New Zealand, Switzerland, Turkey).
- Promotion with and training of embassy and consular staff (Australia, Canada, France, Germany, Ireland, Italy, New Zealand, Romania, Spain, Switzerland, United Kingdom, United States). In 2006, the Canadian Department of Foreign Affairs and International Trade (DFAIT) provided information on the Guidelines during a presentation on CSR to the “Industry Sector Young Professionals Network” in Industry Canada. In May 2007, the Trade Commissioner Service developed a pilot course on CSR, including a session on the OECD Guidelines.

- Trade and Investment Promotion missions or activities (Canada, France, Italy, Netherlands, Sweden).
- Promotion through overseas development agencies (Canada, Ireland, Netherlands, Sweden).
- Answering questions from Parliaments, Ombudsmen or other government bodies (Belgium, Canada, Germany, Japan, United Kingdom).

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-nine] NCPs report that such links exist. Over the years, this number has been increasing. During the reporting period, the Belgian Export Credit Agency has extended the reference to the OECD Guidelines to all its export credit guarantees.

Table 1. The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes

Australia	Export credit and investment promotion	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.
Austria	Export credits	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.
Belgium	Export credit and investment guarantees	The Belgian Export Credit Agency already mentions the OECD Guidelines in its investment guarantees. The decision has been taken to extend this mention to all export credit guarantees.
Canada	Export Credits	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.
Chile	Investment promotion	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.
Czech Republic	Investment promotion	There is a special agency called "Czech Invest" 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.
Denmark	Export credits	When applying for export credits, the Danish Eksport Kredit Fonden inform exporters about the OECD Guidelines and encourage exporters to act in accordance with the OECD Guidelines.
Estonia	Investment promotion	The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.

Finland	Export promotion	This programme, adopted in July 2001, introduces “environmental and other principles” for “export credit guarantees”. It calls the “attention of guarantee applicants” to the Guidelines.
France	Export credits and investment guarantees	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 (“ <i>avoir pris connaissance des Principes directeurs</i> ”).
Germany	Investment guarantees	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.
Greece	Investment promotion	The Guidelines are available electronically on the website of the Ministry of Economy and Finance and the Greek Investment Promotion Agency (ELKE).
Israel	Investment Promotion Centre	The site of Israel's Investment Promotion Centre has a direct connection to the Israeli NCP web site where the OECD Guidelines are available electronically.
Italy	Export credits	The Italian NCP is in regular contact with SACE (the Italian association in charge of insuring export credit) and contributes to its activities. The NCP attended the meeting on “Environment and Credit Export: News Roles and Voluntary Tools” which took place on 3-4 April 2007.
Japan	Trade-investment promotion	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 Tokyo International Conference on African Development (TICAD) website and the ASEAN-Japan Centre website are linked to the texts of the Guidelines.
Korea	Trade-investment promotion	The Korean Trade Investment Promotion Agency (KOTRA) and the Korean foreign exchange banks provide information on the Guidelines to multinational enterprises with inward and outward investments.
Latvia	Investment promotion	Information on the Latvian NCP and the Guidelines is available electronically on the website of Latvian Investment and Development Agency.
Lithuania	Investment promotion	There is a special agency called “Lithuanian Development Agency” operating in the Republic of Lithuania which 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 Development Agency provides fast and efficient support for starting a business in Lithuania by providing detailed information on the local market, servicing investors through the investment decision process, organizing site and company visits, and identifying local suppliers and sourcing. The Lithuanian NCP (at the Ministry of Economy) cooperates closely with the “Lithuanian Development Agency”.
Netherlands	Export credits and investment guarantees	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.
Poland	Investment promotion	The Polish NCP is located in the investment promotion agency (PAIilZ)
Romania	Romanian Agency for Foreign Investments (ARIS)	The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The Romanian NCP's webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language.

Slovenia	Investment promotion, export credits and investment guaranties	Both organisations have added links to the NCP web site. Export credits and investment guaranties (SID) call the Guidelines to the attention of outward investors.
Slovak Republic	Investment promotion	NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in several languages at Ministry's webpage. The Ministry of Economy is funding 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).
Spain	Investment guaranties	The CESCE (Export Credit Agency) that manages investment guaranties, COFIDES (Corporation for Development Finance) and ICO (the Official Credit Institute) provide Guidelines brochures to applicants for support and investment guaranties.
Sweden	Export credits	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.
Switzerland	Export credits and investment guaranties	Switzerland's Export Credit Agency (SERV) and Investment Risk Guarantee Agency (IRG) both promote corporate responsibility principles. On their websites, they provide information regarding the Guidelines and their implementation mechanism.
Turkey	Investment promotion	The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for inward investment promotion. The investment promotion website provides information on the Guidelines.
United Kingdom	Export credit	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 Links connect the Export Credit 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 guaranties	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

During the reporting period, the OECD Investment Committee was particularly active in developing new avenues for promoting a greater awareness and use of the Guidelines and encouraging peer learning on implementation issues.

In March 2007, the OECD Council adopted the "OECD Principles for Private Sector Participation in Infrastructure" to help both developed and developing countries implement infrastructure projects to boost economic growth and improve the lives of their citizens. Five main areas are covered, including the promotion of responsible business conduct on the part of private investors through the implementation of the principles and standards of the OECD Guidelines for Multinational Enterprises.⁹

In March 2007, the Investment Committee agreed on the organisation of a high-level dialogue in 2008 on globalisation and responsible business conduct in employment and industrial relations. This project will be carried out with the Employment, Labour and Social Affairs Committee, in consultation with other relevant OECD bodies and in co-operation with non-members, the International Labour Organisation

(ILO), and other international organisations. It will seek to support private initiatives in OECD and non-OECD economies to enhance the positive business contributions in this area within the framework provided by the OECD Guidelines. The main outcomes of this dialogue will be conveyed in due course to OECD Ministers.

A new OECD study entitled “Off-shoring and Employment – Trends and Impacts” (OECD, 2007) includes recommendations to business firms to observe labour standards and discuss with employees their off-shoring plans in accordance with the OECD Guidelines for Multinational Enterprises.

The Guidelines have also been given a high profile in outreach work. The Committee has approved continuation of a co-operative project with China on “Chinese and OECD Government Approaches to Encouraging Responsible Business Conduct”. BIAC and TUAC published a joint statement strongly supporting the project in December 2006. Co-operation with Russia has a strong component on the Guidelines; a third of the OECD seminar on “Recent Developments in Russia’s Investment Environment and Policy” hosted by Finland in May 2007 in Helsinki was devoted to this subject. The High-Level Policy Dialogue on the OECD’s Policy Framework for Investment organized by Australia in Melbourne in April 2007, as host to APEC 2007, discussed the role of the Guidelines in promoting responsible business conduct.

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 2006 Annual Report on the Guidelines.¹⁰ The discussion of new cases involving financial institutions within the Working Party prompted the Committee’s decision to devote this year’s corporate responsibility roundtable to a fact-finding discussion with financial practitioners on the corporate responsibility dimension of their activities and the supporting role that the Guidelines can provide.

III.e Other promotion by the OECD

In a keynote address to the G8 Labour Ministers in Dresden, Germany on 7-8 May 2007, the OECD Secretary-General noted that while governments have a primary responsibility in this area, enterprises have a role to play in shaping the social dimension of globalisation and commented on the various ways in which the OECD Guidelines for Multinational Enterprises can contribute to the management of globalisation. A flyer on the Guidelines was circulated to Ministers and other parties present.¹¹

“Investment and Responsibility – The Social Dimension of Globalisation” was also one of the central themes of the G8 Summit Declaration in Heiligendamm on 7 June 2007. In this regard, the G8 leaders committed themselves *inter alia* “to promote actively internationally agreed corporate social responsibility standards and labour standards such as the OECD Guidelines for Multinational Enterprises and the ILO Tripartite Declaration, high environmental standards and better governance through the OECD Guidelines’ National Contact Points.” They also called on “private corporations and business organisations to adhere to the principles in the OECD Guidelines for Multinational Enterprises.” They encouraged “the emerging economies as well as developing countries to associate themselves with the values and standards contained in these guidelines” and stated their intention to “invite major economies to a High-Level Dialogue on corporate social responsibility issues using the OECD as a platform”. They also “asked the OECD, in cooperation with the Global Compact and the ILO, to compile the most relevant CSR standards in order to give more visibility and more clarity to the various standards and principles.”

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:

- The Chair of the Investment Committee promoted the Guidelines at the workshop on Informing Consumers about CSR in Production and International Trade organised by the Netherlands in Rotterdam in September 2006. He also contributed with a written statement at the 12th International Anti-Corruption Conference held in Guatemala City in November 2006.¹²
- The UN Secretary General’s Special Representative on Human Rights and Trans-national Corporations met the Chair of the Investment Committee and the Secretariat in Paris in April 2007 to discuss the unique implementation procedures of the Guidelines. The interim report by the Special Representative released in February 2007 also highlights the important contribution of the OECD Guidelines in the area of human rights and its widespread use as a referential tool by Fortune Global 500 firms.¹³ In addition, the Secretariat presented the OECD Guidelines and the Investment Committee’s work on investments in weak governance zones to a stakeholder consultation event organised by the Office of the UN High Commission on Human Rights in November 2006, actively participated in a follow-up consultation on Human Rights and the Financial Sector in Geneva in February 2007, and submitted a briefing note to participants in the Workshop on Accountability and Dispute Resolution organised by Harvard University’s Kennedy School of Government in March 2007.¹⁴
- The Secretariat reported on the work of the Guidelines at the meeting organised by TUAC in Paris on 12 February 2007 entitled “Building the Right Regulatory Environment for Corporate Disclosure of Non-Financial Information: The Role of the OECD”.
- The Secretariat represented the Guidelines and other OECD instruments at the 4th meeting of the ISO Working Group on Social Responsibility in early 2007 held in Sydney.
- The Secretariat made a presentation on “Corporate Responsibility and the OECD MNE Guidelines” at the 4th Annual Encounter of Ex-A-Tec Europa in Paris in October 2006.
- The Secretariat provided input to the recently published CSR Guide commissioned by Canada to the International Institute for Sustainable Development (IISD).
- 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 filed and considered

One hundred fifty-six requests to consider specific instances have been filed with NCPs since the June 2000 review. Individual NCP reports indicate that the following breakdown: Argentina (2), Austria (4), Australia (2), Belgium (10), Brazil (13), Canada (7), Chile (6), Czech Republic (5), Denmark (3), Finland (4), France (12), Germany (10), Ireland (1), Italy (2), Hungary (1), Japan (5), Korea (3), Mexico (2), Netherlands (15), Norway (3), Poland (2), Portugal (1), Romania (1), Spain (2), Sweden (3), Switzerland (2), Turkey (1), United Kingdom (16), and United States (20).

Annex 3 shows in turn that 134 specific instances have been actively taken up and considered to date by NCPs, as compared to a total 96 instances reported as of last year.¹⁵ Eighty-four of these have been concluded. Most specific instances deal with Chapter IV (Employment and Industrial Relations). However, reinforcing a development identified in last year's report, some of the newer requests to consider specific instances address a broader range of issues. For example, one instance reported this year by the United Kingdom deals with human rights covered in Chapter II (General Policies) while another reported by Italy refers to competition conditions covered by Chapter IX (Competition). At the present time, 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

Argentina – In November 2006, the Argentine NCP received a request from the Argentine Millers' Labour Union (Unión Obrera Molinera Argentina) regarding an alleged non-observance of the OECD Guidelines (Guidelines Chapter II: General Principles, Chapter III: Disclosure, and Chapter IV: Employment and Industrial Relations) by CARGILL S.A., a multinational operating in the food sector. The NCP has asked the parties to negotiate in good faith to resolve their differences. The results will be transmitted to the Argentine NCP in due course.

Belgium – In July 2006, the Belgian NCP received a request from an international labour union regarding an alleged non-observance of Chapter IV (Employment and Industrial Relations) of the Guidelines by the subsidiary of a Belgian multinational enterprise operating in Montenegro. The Belgian NCP brought both parties together to initiate negotiations. Recently the international labour union withdrew its request after an agreement of principles between both parties was reached.

Finland – In Fall 2006, the Finnish NCP issued two final statements concerning two requests from the Argentine Centre for Human Rights and Environment (CEDHA) regarding the construction of a paper mill factory in Uruguay by Botnia S.A. Metsä-Bonia Oy (reproduced in Annex 4 of this document):

- The first was raised in April 2006 concerning an alleged non-observance by Botnia of Chapter II (General Policies), Chapter III (Disclosure), Chapter V (Environment) and Chapter VI (Bribery). The Finnish NCP offered its good offices to help the parties resolve the issue without success. However, after reviewing the evidence provided, it reached the conclusion in December 2006 that Botnia had not violated the Guidelines in the pulp mill project in Uruguay and issued a statement on the specific instance (CEDHA did not agree with this decision and asked the Investment Committee to reflect upon the Finnish NCP statement).
- The second case was brought against Finnvera Oyj, the Finnish export credit/investment guarantee agency. The NCP concluded in November 2006 that the request for specific instance did not merit further examination because Finnvera Oyj cannot, in its view, be considered as a multinational enterprise and the OECD Guidelines cannot be considered to refer to a state's export guarantee activities (it notes that Finnvera Oyj's are regulated under special Finnish legislation and that special arrangements exist within the OECD, such as environmental principles approved for export credit agencies). The Finnish NCP cited the "investment nexus" statement made by the Investment Committee in 2003 (see Section VI of the 2003 Annual Report on the OECD Guidelines) in its statement explaining why it did not accept the case.

Hungary – On 14 May 2007, the Hungarian NCP issued a statement on Mr. Imre Horgosi vs Visteon Hungary Ltd case (reproduced in Annex 4 of this report). In 20 April 2006, the Hungarian NCP received a request from a Hungarian environmental lawyer, concerning an alleged non-observance of paragraph 4b) of Chapter IV (Employment and Industrial Relations) of the Guidelines by the foreign-owned car part

manufacturer Visteon Hungary Ltd. This request related to a skin irritation suffered by a former worker of this company in March 2002. The Hungarian NCP considered that the request did not qualify as a specific instance, as no irregularity in the operation of the company was found. However, the Hungarian NCP invited the company to reduce health risks by making further improvements in the quality of protective products available and employee training.

Netherlands – In July and again in December 2006, the U.S. NCP requested that the Dutch NCP engage in dialogue with the Dutch parent company of a U.S.-based company. The U.S. NCP was dealing with an instance concerning trade union rights brought by a U.S. trade union. The U.S. NCP wanted to inform itself about the parent company's view of the situation. In March 2007, the Dutch NCP met with the Dutch parent company and sent a report of this meeting to the U.S. NCP. In April 2007, the case was closed after the U.S. company and the local union came to an agreement. The Dutch NCP is currently exploring the possibilities for a mediated solution regarding another instance concerning an alleged violation of trade union rights by a Dutch clothing company operating in India. It has offered its assistance to the NCPs which have taken the lead in three other instances submitted to it during the reporting period.

United States – The U.S. NCP issued a final statement regarding a specific instance involving Saint-Gobain Abrasives, owned by Company Saint-Gobain, a French company (reproduced in Annex 4 of this document). In June 2003, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America International Union (UAW), the International Federation of Chemical, Energy, Mine and General Workers Unions (ICEM), and the American Federation of Labour-Congress of Industrial Organisations (AFL-CIO) requested the U.S. NCP's assistance in addressing their concerns over the collective bargaining rights of the workers at a Saint-Gobain Abrasives facility in Worcester, Massachusetts. The U.S. NCP subsequently offered its good offices and encouraged the parties to consider reengaging in a mediation process they had pursued previously. The union responded favourably. However, the company reiterated its intention to pursue the issues exclusively through processes available under U.S. labour law. The U.S. NCP continued to monitor the matter. In an election requested under U.S. law by employees at the facility, a majority of the employees voted to terminate the union's status as their representative. Following the union's acknowledgment of that result, the U.S. NCP issued a final report concluding its involvement.

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

Several delegations report that the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones¹⁶ adopted in June 2006 has been or soon will be integrated into the promotion activities on the Guidelines and the NCP websites (Belgium, Canada, Finland, Germany, Italy, Korea, Lithuania, Sweden, Switzerland, United Kingdom, United States, EC). Sweden reports that the Swedish Minister for Trade strongly emphasised the importance of this tool in the Swedish Parliament. Belgium intends to use the tool to promote alliances among developing countries, international donors, and the private sector with a particular focus on the role of business in shaping governance climates in weak governance zones. Belgium also made the OECD Risk Awareness Tool a subject of one of the sessions of the OECD-World Bank Conference it organised in Brussels on 15-16 March 2007. In addition, the Risk Awareness Tool is being referred to in the United States Overseas Private Investment Corporation's Anti-Corruption Policies and Strategies Handbook (September 2006).

BIAC, TUAC and OECD Watch have also expressed broad support for OECD work on the promotion and implementation of the Risk Awareness Tool. BIAC and TUAC have issued a joint submission encouraging the Investment Committee to develop a web portal which would provide businesses with a comprehensive "one-stop-shop" for different types of relevant information for investors in weak governance zones. Smaller businesses, in particular, would stand to benefit from such a service. Individual

companies have also underlined the potential usefulness of this tool and indicated an interest in being involved in its implementation. Anvil Mining Limited is reported to have conducted the first external audit based upon the OECD Risk Awareness Tool.

In addition, a number of international organisations have expressed interest in the ongoing work on the Tool, including the ILO, the United Nations Global Compact Office (especially with respect to work on business in zones of conflict and business responses to ethical dilemmas in relation to corruption, the 10th Principle), and the World Bank (especially with respect to the International Finance Corporation's (IFC) Human Rights Impact Assessment Tool).

More recently in Heiligendamm, the G8 committed themselves to promote, along with other relevant tools and best practices, the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones in the context of the work on "Responsibility for Raw Materials: Transparency and Sustainable Growth".

The Secretariat has taken advantage of various opportunities to promote the use of the Risk Awareness Tool in different forums, such as making a presentation at the Global Forum on Fighting Corruption and Safeguarding Integrity held in Johannesburg in April 2007 and submitting a briefing note to the Workshop on Accountability and Dispute Resolution recently organised at the Kennedy School of Government at Harvard University (11-12 April 2007) in support of the work in this area by the Special Representative of the United Nations Secretary-General on Business and Human Rights 2006.¹⁷ Efforts have also been aimed at having cross-references to the OECD Risk Awareness Tool included in other relevant instruments and initiatives, such as the ISO 26000 Guidance on Social Responsibility process. In Brussels, in January 2007 the Secretariat also presented the OECD Risk Awareness Tool on Multinational Enterprises in Weak Governance Zones to a "contact group" of officials of countries whose companies have extensive investments in the solid mineral sector.

A work plan was developed in March 2007 with the Investment Committee to create a dedicated Portal to the Risk Awareness Tool. It is also envisaged to use the OECD Risk Awareness Tool in the context of the NEPAD-OECD Africa Investment Initiative, as a number of the countries that might be described as weak governance zones are concentrated in Africa.

VI. Considerations for future action

During the June 2006 – June 2007 period, the information and promotional activities on the Guidelines have become more proactive. New vehicles for increasing the awareness of the Guidelines, such as improved websites or booklets, have been developed. NCP involvement in Guidelines-related events and consultations with stakeholders has been on the rise. Increased attention has been given (notably in Germany and Sweden) to closer coordination between the work on the Guidelines with that of other corporate responsibility tools. Bilateral contacts, attendance at meetings with non-governmental stakeholders, and discussions at the OECD Investment Committee and its Working Party also contributed to peer learning and capacity-building with regards to the implementation of the Guidelines. The reporting period also saw important innovations in the organisation and functions of a number of NCPs (notably of the Netherlands and the United Kingdom) and in making the specific instances procedures more user-friendly and accountable (such as in Brazil). The consistent rise in the number of specific instances accepted by NCPs for mediation and conciliation affirms the continued attractiveness of the Guidelines as a tool for resolving investment disputes.

The progress made during the reporting period corresponds to several of the objectives decided at the 2006 NCP Annual Meeting.¹⁸ However, the general sense still prevailed that more could be done. This view also prevailed during the consultations with BIAC, TUAC, and OECD Watch held on 19 June 2007.

While reiterating their support for the Guidelines, these stakeholders identified a number of areas for possible improvement. In addition, NCPs considered that the G8 Summit in Heiligendamm has somewhat “raised the bar” of what could further be accomplished to more fully take advantage of the Guidelines’ potential. Taking this into account and being mindful of the fact that the Investment Committee may undertake additional work in response to the G8 Declaration, the following avenues for future action were identified for the 2007-2008 implementation cycle.

- *Increasing the performance of the specific instance facility.* It was recalled that good communication and adequate co-operation among NCPs involved in specific instances is an essential condition for a specific instance to be effectively conducted. This is particularly true in the context of specific instances involving NCPs in the same case in third countries or where the home country NCP has a legitimate interest in the work of the host country NCP. It was viewed that the leading NCP should maintain good communication channels with other concerned NCPs and inform them, or respond to enquiries from them, of relevant developments in a timely fashion. NCPs also shared the view that every effort should be made to conclude a specific instance within a reasonable period of time and that results should be communicated to concerned parties. In addition, NCPs will continue to exchange views and learn from each other’s practices on handling specific instances notably concerning MNEs operations in non-adhering countries and on issues relating to parallel legal proceedings. During the consultations, BIAC, TUAC and OECD Watch all agreed that timeliness and predictability of the process are key factors to its success. NCPs also noted with interest the innovations in the NCP structures and procedures recently introduced by the Netherlands and the United Kingdom and the work by OECD Watch on a “Model European NCP”. The NCPs invited the Working Party of the Investment Committee to set aside time in the coming year for a more in-depth discussion of these subjects.
- *The supporting role of the Guidelines in the financial sector.* The 2007 Corporate Responsibility Roundtable led to a fruitful discussion with practitioners on the supporting role of the Guidelines in this sector. In closing the Roundtable, the Swedish NCP noted that the Guidelines apply to multinational financial institutions and that there are various ways in which the OECD Guidelines can assist the financial sector’s initiatives to promote corporate responsibility, including: communicating to the financial sector the recommendations by 40 governments¹⁹ adhering to the Guidelines on principles and standards for responsible business conduct; advising and assisting financial institutions in the resolution of issues arising from their operations; offering clarity in the articulation between the Guidelines and the corporate responsibility instruments developed by the financial sector; and associating emerging market economies with efforts to promote financial institutions’ responsible business conduct. At the same time, NCPs identified a number of issues for further discussion by the Working Party and in particular, the need to take into account the diversity of various categories of financial institutions and the criteria to assess the degree of influence that financial institutions may have over the companies with which they engage.
- *The increased importance of reaching out to non-adherent governments.* The continued rise of emerging economies calls for increased promotional efforts in favour of a wider application of the principles and standards of the Guidelines in these countries. A “stronger case” could be made of the benefits that these actors can derive from promoting corporate responsibility. It is in the interest of their populations that their enterprises operate responsibly at home. It is also in the interest of these countries that their enterprises “play by the rules” when operating abroad. NCPs particularly welcome the work underway in the Investment Committee with China and the fact that there have been several new country applications for adherence to the Declaration. After being informed about recent incidents affecting the security of civil society representatives in non-adherent countries in the context of specific instances raised under the Guidelines, NCPs also

invited adherent governments to remain vigilant about the protection of the civil rights of interested parties to the Guidelines operating in these countries.

Notes

1. The programme of the 2007 Roundtable can be found at www.oecd.org/daf/investment/guidelines.
2. Egypt's adherence to the Declaration became effective on 11 July 2007.
3. Argentina, Australia, Brazil, Czech Republic, Germany, Greece, Luxembourg, Ireland, Israel, Italy, Mexico, New Zealand, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, Turkey and United States.
4. Canada, Hungary, Japan, Iceland, Korea, Netherlands, and United Kingdom.
5. Labour is represented through the Ministry of Labour, Family and Equal Chances and on a consultative basis through the Trade Union depending upon the situation debated.
6. Belgium, Denmark, Estonia, France, Latvia, Lithuania, Luxembourg, Norway and Sweden. Several of these also have multiple governmental department NCPs.
7. Chile and Finland.
8. Canada's report on "Roundtables on CSR and the Canadian Extractive Sector in Developing Countries" can be accessed at www.CSRExtractiveSectorRountables.ca.
9. The full text of the OECD Principles for Private Sector Participation in Infrastructure and additional information are available on the OECD website at www.oecd.org/daf/investment/instruments.
10. For further details refer to page 31 and 32 of the 2006 Annual Report of the OECD Guidelines for Multinational Enterprises which can be accessed at www.oecd.org/daf/investment/instruments.
11. This informational flyer on the OECD Guidelines for MNEs can be accessed at www.oecd.org/daf/investment/guidelines.
12. This briefing note can accessed at www.oecd.org/daf/investment/guidelines.
13. Report by the Special Representative of the Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises, "Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council", A/HRC/4/35, 19 February 2007.
14. This briefing note can be accessed at www.oecd.org/daf/investment/guidelines.
15. 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. The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones can be accessed at www.oecd.org/dataoecd/26/21/36885821.pdf.
17. These presentation materials can be accessed at www.oecd.org/daf/investment/guidelines.
18. The full text of the OECD Principles for Private Sector Participation in Infrastructure and additional information are available on the OECD website at www.oecd.org/daf/investment/instruments.
19. On 11 July 2007, Egypt became the 10th non-OECD country to adhere to the Guidelines.

Annex 1

Structure of the National Contact Points

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
Argentina	Single department	(National Direction of International Economic Negotiations (DINEI) Ministry of Foreign Affairs, International Trade and Worship		The NCP coordinates with other government departments, business labour and civil society, as appropriate.
Australia	Single department	Foreign Investment and Trade Policy Division of the Ministry of Treasury	Foreign Investment Review Board	The Australian NCP liaises with other government departments as necessary and holds community consultations with business, trade unions and other NGO representatives.
Austria	Single department	Export and Investment Policy Division, Federal Ministry of Economics and Labour	Other divisions of the Federal Ministry of Economics and Labour The Federal Chancellery and other Federal Ministries concerned	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.
Belgium	Tripartite with representatives of business and labour organisations as well as with representatives of the federal government and regional governments	Federal Public Service of Economy, PMEs, Middle Classes and Energy	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	
Brazil	Single department	Ministry of Finance	Ministry of Foreign Affairs Ministry of Planning, Budget and Management Ministry of Labour and Employment Ministry of Justice Ministry of Environment Ministry of Science and Technology Ministry of Development, Industry and Trade Brazilian Central Bank	Representatives from other government offices can be asked to participate as well as Trade Unions, like CUT and "Força Sindical"; NGOs that deal with Ethics, like ETHOS; Industry and Trade Confederations; and other institutions like SOBEET (Brazilian Society for Trans- national Enterprises and Globalisation Studies).

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
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	Quadripartite	Ministry of Foreign Affairs, Directorate of International Economic Relations	Ministry of Economics Ministry of Labour General Secretariat of the Presidency	The NCP consults regularly with business, trade unions and other NGO representatives.
Czech Republic	Single Department	Ministry of Finance	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 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 the Environment Ministry of Economic and Business Affairs	
Estonia	Tripartite with several ministries	Ministry of Economic Affairs	Ministry of Social Affairs Ministry of Environment Estonian Investment Agency Estonian Export Agency Ministry of Foreign Affairs	
Finland	Quadri-partite with several ministries and civil society partners	Advisory Committee on International Investment and Multinational Enterprises (MONIKA), Ministry of Trade and Industry	Ministry of Trade and Industry Ministry of Foreign Affairs Ministry of Finance Ministry of Social Affairs and Health Ministry of Labour Ministry of Environment	The Advisory Committee on International Investment and Multinational Enterprises of Finland (MONIKA), which operates under the auspices of the Ministry of Trade and Industry as a wide-scoped forum of public and private representatives for issues related to investments, acts as the Finnish NCP. The MONIKA Committee, which has been established by Government Decree 335/2001, takes care of the promotion of the Guidelines as

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
				<p>important principles of Corporate Social Responsibility and serves as an advisory forum in other issues related to the Investment Committee. The Ministry of Trade and Industry is responsible for the handling of inquiries and the implementation in Specific Instances.</p> <p>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.</p> <p>The committee has met several times over the review period.</p>
France	Tripartite with several ministries	Treasury Department, Ministry of Economy and Finance	Ministry of Labour Ministry of Environment Ministry of Foreign Affairs	An Employers' Federation and six Trade Union Federations are part of the NCP.
Germany	Single Department	Federal Ministry of Economics and Technology	Ministry of Foreign Affairs Ministry of Justice Ministry of Finance Ministry of Economic Co-operation Ministry of Environment	The NCP works in close co-operation with the social partners. A 'Working Party on the OECD Guidelines' composed of representatives from those Federal ministries mentioned in the previous column, business organisations, employee organisations and selected NGOs meets regularly to discuss all Guidelines-related issues.
Greece	Single Department	Unit for International Investments Directorate for International Economic Development and Co-operation General Directorate for International Economic Policy, Ministry of Economy and Finance		Recently the General Directorate For International Economic Policy of the Ministry of Economy and Finance was restructured. In the current organisational structure, the Unit for International Investments part of the Directorate for International Economic Developments and Co-operation has been designated as the NCP.

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
Hungary	Interdepartmental Office	Ministry of Economy and Transport	Ministry of Economy and Transport Ministry of Finance	
Iceland	Interdepartmental Office	Ministries of Industry and Commerce		
Ireland	Single Department	Bilateral Trade Promotion Unit, Department of Enterprise, Trade and Employment		
Israel	Single department	Ministry of Trade, Industry and Labour	Ministry of Foreign Affairs Ministry of Finance Ministry of Environment Ministry of Justice	An Advisory Committee has been composed of representatives from those ministries mentioned in the previous column, and business and employee organizations.
Italy	Single Department	General Directorate for Productive Development and Competitiveness, Ministry of Economic Development	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	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.
Japan	Interministerial body composed of three ministries	Ministry of Foreign Affairs Ministry of Health, Labour and Welfare Ministry of Economy, Trade and Industry		The Japanese NCP was reorganised in 2002 as an inter-ministerial body composed of three ministries.
Korea	Interdepartmental office, with regional governments and several ministries	Foreign Investment Subcommittee (Ministry of Commerce, Industry and Energy)	Ministry of Finance and Economy Ministry of Foreign Affairs and Trade Ministry of Environment Ministry of Labour, etc	
Latvia	The OECD Consultative Board - Interministerial body including representatives of business & labour organisations	Economic Relations Department, Ministry of Foreign Affairs	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	
Lithuania	Tripartite with representatives of	Ministry of Economy	Trade Union "Solidarumas" Confederation of Trade Unions	The NCP works in close co-operation with the Tripartite Council – a national body, including

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
	business and labour organisations as well as with representatives of government		Labour Federation Confederation of Business Employers Confederation of Industrialists	representatives of government agencies as well as employee and business organisations.
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	
Mexico	Single Department	Ministry of Economy		The NCP works in close co-operation with other concerned departments.
Netherlands	Interdepartmental Office	Ministry of Economic Affairs	All departments, especially: Ministry of Social Affairs and Employment Ministry of Housing, Spatial Planning and Environment Ministry of Foreign Affairs	Regular consultations with all stakeholders.
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	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.
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		
Romania	Bipartite	<i>Coordination</i> – Ministry for Small and Medium-sized Enterprises, Trade, Tourism and Liberal Professions and Ministry of Foreign Affairs.	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	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.

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
		<p><i>Executive function –</i> Business Environment Unit and Romanian Agency for Foreign Investment.</p> <p><i>Technical secretariat</i> Ministry of Foreign Affairs and Romanian Agency for Foreign Investment</p>	<p>Opportunities Ministry of Transport Ministry of Development, Public Works and Housing Ministry of Environment and Sustainable Development Ministry for Small and Medium-sized Enterprises, 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</p>	
Slovak Republic	Single Department	Ministry of Economy	Slovak Investment and Trade Development Agency (SARIO)	The NCP is a single department in the Ministry of Economy, under the Division of Strategy, Department of Strategic Investments. A new reorganization is to be made as the single department is not considered to be an effective structure. It is expected to involve ministries other than the NCP.
Slovenia	Single Department	Foreign Economic Relations Division, Ministry of the Economy	Other ministries and other parts of the Ministry of the Economy Slovenia Trade and Investment Promotion Agency Slovenia Export Credit Agency	The Advisory Committee has considered if a single department structure is the best solution. No decision has been made, yet.
Spain	Single Department	General Secretariat for External Trade, Ministry of Industry, Tourism and Trade	Ministry of Environment Ministry of Justice Ministry of Health and Consumption Ministry of Labour and Social Affairs	The NCP liaises with representatives of social partners and NGOs.
Sweden	Tripartite, with several ministries	Department for International Trade and Policy, Ministry for Foreign Affairs	Ministry of Industry and Trade Ministry of Environment and Sustainability	The Ministry for Foreign Affairs, Department for International Trade Policy, chairs the NCP and has the ultimate responsibility for its work and its decisions.
Switzerland	Single Department	International Investment and Multinational Enterprises Unit, State Secretariat for Economic		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

	COMPOSITION OF THE NCP	GOVERNMENTAL LOCATION OF THE NCP	OTHER MINISTRIES AND/OR AGENCIES INVOLVED*	COMMENTS AND NOTES
		Affairs		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.
Turkey	Single Department	General Directorate of Foreign Investment, Undersecretariat of Treasury		Depending on the issue under debate, the consultation and fact finding processes are extended to other governmental offices.
United Kingdom	Tripartite	Department of Trade and Industry Foreign and Commonwealth Office Department for International Development	Attorney General's Office Department for Environment, Food and Rural Affairs, Department for Constitutional Affairs, Department for Work and Pensions Export Credit Guarantee Department	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.
United States	Single Department	Office of Investment Affairs, Bureau of Economic and Business Affairs, United States Department of State		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.

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

Annex 2

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* The European Commission is not formally a “National Contact Point”. However, it is committed to the success of the Guidelines.

Annex 3

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

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Argentina	Argentine subsidiary of a multinational enterprise involving employment relations	Dec 2004	Argentina	II. General Policies IV. Employment and Industrial Relations	ongoing	n.a	The Argentine subsidiary of the multinational banking corporation subject to last year's claim has been sold to a new owner. No pending issues exist with the new owner. 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.
Australia (The Australian NCP assumed carriage following an agreement with the UK NCP in June 2005)	GSL (Australia) Pty Ltd – an Australian incorporated wholly-owned subsidiary of a UK controlled multinational – Global Solutions Limited	June 2005	Australia	II. General Policies VII. Consumer Interests	Concluded	Yes	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 www.ausncp.gov.au .
Australia	Australia and New Zealand Banking Group Ltd (ANZ)	August 2006	Papua New Guinea	II. General Policies V. Environment	Concluded	Yes	The NCP concluded that there was no specific instance to answer and issued an official statement which is available on the website at www.ausncp.gov.au .
Austria	Mining activities	Nov 2004	RD Congo	Various	Concluded	Yes	No consensus reached.
Austria	Textile industry	Mar 2006	Sri Lanka	IV. Employment	Ongoing	-	-
Belgium	Marks and Spencer's announcement of closure of its stores in Belgium	May 2001	Belgium	IV. Employment and Industrial Relations	Concluded	Yes	The Belgian NCP issued a press release on 23 December 2001.
Belgium	Speciality Metals Company S.A.	Sept 2003	RD Congo	Not specified in the UN report	Concluded	Yes	The Belgian NCP issued a press release in 2004.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Belgium	Forrest Group	Sept 2003	RD Congo	Not specified in the UN report	Concluded	Yes	The case was handled in together with the NGO complaint.
Belgium	Forrest Group	Nov 2004	RD Congo	II. General Policies III. Disclosure IV. Employment V. Environment IX. Competition	Concluded	Yes	Press release in 2005.
Belgium	Tractebel-Suez	April 2004	Laos	II. General Policies III. Disclosure V. Environment	Concluded	Yes	Press release in 2005.
Belgium	KBC/DEXIA/ING	Mai 2004	Azerbaijan, Georgia and Turkey	I Concepts and Principles II. General Policies III. Disclosure V. Environment	Concluded		UK NCP.
Belgium	Cogecom	Nov 2004	RD Congo	I Concepts and Principles II. General Policies IV. Employment	Ongoing	n.a.	Under consideration. There is a parallel legal proceeding.
Belgium	Belgoise	Nov 2004	RD Congo	II. General Policies	Ongoing	n.a.	Under consideration. There is a parallel legal proceeding.
Belgium	Nami Gems	Nov 2004	RD Congo	I Concepts and Principles II. General Policies X. Taxation	Ongoing	Yes	Press release in 2006
Belgium	GP Garments	June 2005	Sri Lanka	III. Disclosure IV. Employment	Concluded		Press release in preparation.
Belgium	InBev	July 2006	Montenegro	I Concepts and Principles IV. Employment	Concluded		Press release in preparation.
Brazil	Workers representation in labour unions	26 Sept 2002	Brazil	Chapter IV, article 1	ongoing	No	
Brazil	Dismissal of workers	Nov 2003	Brazil	Chapter IV, article 6	ongoing	No	
Brazil	Construction of a dam that affected the environment and dislodged local populations	2004	Brazil	Article V	ongoing	No	
Brazil	Environment and workers' health issues	8 May 2006	Brazil	Chapter V, articles 1 and 3	ongoing	No	
Brazil	Dismissal of workers	26 Sept 2006	Brazil	Chapter IV, article 6	Concluded	Yes	

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Canada, Switzerland	The impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company	July 2001	Zambia	II. General Policies V. Environment	Concluded	No	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 [www.ncp-pcn.gc.ca/annual_2002-en.asp]. The Swiss company was kept informed of developments
Canada	Follow-up to allegations made in UN Experts Report on DRC	December 2002	Democratic Republic of Congo	Not specified in UN Report	Concluded	n.a.	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.
Canada	Complaint from a Canadian labour organization about Canadian business activity in a non-adhering country	Nov 2002	Myanmar	Employment and Industrial Relations; Environment	Concluded	Yes	The NCP was unsuccessful in its attempts to bring the parties together for a dialogue.
Canada	Complaint from a coalition of NGOs concerning Canadian business activity in a non-adhering country	May 2005	Ecuador	I. Concepts and Principles II. General Policies III. Disclosure V. Environment	Concluded	Yes	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.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Chile	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	Oct 2002	Chile	IV. Employment and Industrial Relations; V. Environment	Concluded August 2004	Yes	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.
Chile	La Centrale Unitaire de Travailleurs du Chili (CUTCH) dans le cas de Unilever	June 2005	Chile	IV. Employment and Industrial Relations; V. Environment	Concluded November 2005	Yes	The parties accepted the procedure and conclusions of the NCP. See website for final report.
Chile	ISS Facility Services S.A.	April 2007	Denmark	IV. Employment and Industrial Relations	Ongoing	No	Currently being considered.
Chile	Banque du Travail du Perou	April 2007	Peru	IV. Employment and Industrial Relations	Ongoing	No	Currently being considered.
Chile	Entreprise Zaldivar, subsidiary of the Canadian firm Barrick Gold	2007	Canada	IV. Employment and Industrial Relations	Ongoing	No	Currently being considered.
Czech Republic	The right to trade union representation in the Czech subsidiary of a German-owned multinational enterprise	2001	Czech Republic	IV. Employment and Industrial Relations	Concluded	No	The parties reached agreement soon after entering into the negotiations.
Czech Republic	The labour management practices of the Czech subsidiary of a German-owned multinational enterprise	2001	Czech Republic	IV. Employment and Industrial Relations	Concluded	No	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.
Czech Republic	A Swiss-owned multinational enterprise's labour management practices	April 2003	Czech Republic	IV. Employment and Industrial Relations	Concluded	No	The parties reached an agreement during the second meeting in February 2004

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Czech Republic	The right to trade union representation in the Czech subsidiary of a multinational enterprise	Jan 2004	Czech Republic	IV. Employment and Industrial Relations	Closed	n.a.	An agreement between employees and the retail chain store has been reached and union contract signed.
Czech Republic	The right to trade union representation in the Czech subsidiary of a multinational enterprise	Feb 2004	Czech Republic	IV. Employment and Industrial Relations	Closed	Yes	The Czech NCP closed the specific instance at the trade union's (submitter's) request, August 2004
Denmark	Trade union representation in Danish owned enterprise in Malaysia	Feb 2002	Malaysia	IV. Employment and Industrial Relations	Concluded	n.a.	
Denmark	Trade union representation in plantations in Latin America	April 2003	Ecuador and Belize	IV. Employment and Industrial Relations	Concluded	n.a.	Connection of entity to Denmark could not be established
Denmark	Several questions in relation to logging and trading of wood by a Danish enterprise in Cameroon, Liberia and Burma	Mar 2006	Cameroon, Liberia and Burma	Several chapters (e. g. II, IV, V and IX)	Ongoing	Not relevant at this stage	Specific instance initially assessed, specific instance raised by NGO (Nepenthes)
Finland	Finnvera plc/Botnia SA paper mill project in Uruguay	Nov 2006	Uruguay	II. General Policies III. Disclosure V. Environment VI. Bribery	Concluded	Yes	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.
Finland	Botnia SA paper mill project in Uruguay / Botnia SA/Metsa-Botnia Oy	Dec 2006	Uruguay	II. General Policies III. Disclosure V. Environment VI. Bribery	Concluded	Yes	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.
France	Forced Labour in Myanmar and ways to address this issue for French multinational enterprises investing in this country	Jan 2001	Myanmar	IV. Employment and Industrial Relations	Concluded	Yes	Adoption of recommendations for enterprises operating in Myanmar. The French NCP issued a press release in March 2002, see www.minefi.gouv.fr/directions_services/dqtpe/pcn/compcn280302.htm

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
France	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	April 2002	France	III.4 Disclosure	Concluded	Yes	A press release was published in October 2003, see www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn131103.htm .
France	Marks and Spencer's announcement of closure of its stores in France	April 2001	France	IV. Employment and Industrial Relations	Concluded	Yes	The French NCP issued a press release on 13 December 2001 www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn131201.htm
France	Accusation of non-observance of Guidelines recommendations on the environment, informing employees and social relations	Feb 2003	France	V. Environment plus chapeau; III. Information and disclosure; IV. Employment and Industrial Relations	Ongoing	n.a.	Currently being considered; there is a parallel legal proceeding.
France	Dacia – conflict in a subsidiary of Group Renault on salary increases and about disclosure of economic and financial information needed for negotiating process	Feb 2003	Romania	IV. Employment and Industrial Relations	Concluded	No	A solution was found between the parties and the collective labour agreement was finalised on 12 March 2003.
France	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	Oct 2003	Turkey, Azerbaijan and Georgia	II. General Policies	Ongoing	n.a.	In consultation with parties

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
France	DRC/SDV Transami – Report by the expert Panel of the United Nations. Violation of the Guidelines by this transport company in the Congo, named in the third report as not having responded to the Panel's requests for information	Oct 2003	Democratic Republic of Congo	Not specified in information supplied by Panel	Concluded	No	
France	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	Nov 2004	Laos	II. General policies V. Environment IX. Competition	Concluded	Yes	The French NCP issued a press release on 31 March 2005 www.minefi.gouv.fr/directions_services/datpe/pcn/compcn010405.htm
France	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	Feb 2005	France	IV. Employment and Industrial Relations	Ongoing		
Germany	Labour conditions in a manufacturing supplier of Adidas	Sept 2002	Indonesia	II. General Policies IV. Employment and Industrial Relations	Concluded	Yes	The German NCP has closed the specific instance and issued a statement on 24 May 2004 http://www.bmwi.de/BMWi/Navigation/aussenwirtschaft,did=178196.html .
Germany	Employment and industrial relations in the branch of a German multinational enterprise	June 2003	Philippines	IV. Employment and Industrial Relations	Concluded	Yes	The German NCP has closed the specific instance and issued a statement on 29 June 2007 http://www.bmwi.de/BMWi/Navigation/aussenwirtschaft,did=178196.html .
Germany	Child labour in supply chain	Oct 2004	India	II. General Policies IV. Employment and Industrial Relations	Concluded	Yes	The German NCP has closed the specific instance and issued a statement on 30 August 2007 http://www.bmwi.de/BMWi/Navigation/aussenwirtschaft,did=178196.html .

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Hungary	Personal injury occurred in the plant of Visteon Hungary Ltd. Charge injury arising from negligence.	June 2006	Hungary	IV Employment and Industrial Relations	Concluded	Yes	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.
Israel	UN Expert Panel Report – DRC	2003	Democratic Republic of Congo	Not specified in Report	Concluded	No	Following an enquiry by the NCP, the accused company stopped illegitimate sourcing from DRC
Italy- UK	Accusation of non-observance of Guidelines recommendations on human and labour rights, environment	2003	Turkey, Azerbaijan Georgia	I. Concepts and Principles II. General Policies III. Disclosure V. Environment	Ongoing	n.a.	In consultation with parties.
Italy	Accusation of non-observance of Guidelines recommendations on human and labour rights	2005	China	IV Employment and Industrial Relations	Concluded	No	Negative initial assessment.
Italy	Accusation of non-observance of Guidelines recommendations on labour rights and competition	2007	Italy	IV Employment and Industrial Relations IX. Competition	Ongoing	n.a.	In preliminary phase.
Italy	Accusation of non-observance of Guidelines recommendations on human rights, environment and contribution to host country's progress	2007	India	II. General Policies V. Environment	Ongoing	n.a.	In preliminary phase.
Japan	Industrial relations of an Indonesian subsidiary of a Japanese company	Feb 2003	Indonesia	IV. Employment and Industrial Relations	Concluded	No	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.
Japan	Industrial relations of a Malaysian subsidiary of a Japanese company	March 2003	Malaysia	IV. Employment and Industrial Relations	Ongoing	n.a.	There is a parallel legal proceeding.
Japan	Industrial relations of a Philippines subsidiary of a Japanese company	March 2004	Philippines	II. General Policies IV. Employment and Industrial Relations	Ongoing	n.a.	–In consultation with parties concerned. There is a parallel legal proceeding.
Japan	Industrial relations of an Indonesian subsidiary of a Japanese company	May 2005	Indonesia	II. General Policies IV. Employment and Industrial Relations	Ongoing	n.a.	There is a parallel legal proceeding.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Japan	Industrial relations of a Japanese subsidiary of a Swiss-owned multinational company	May 2006	Japan	II. General Policies III. Disclosure IV. Employment and Industrial Relations	Ongoing	n.a.	In consultation with parties concerned. There is a parallel legal proceeding.
Korea (consulting with US NCP)	Korean company's business relations in Guatemala's Textile and Garment Sector	2002	Guatemala	IV. Employment and Industrial Relations	Concluded	No	A resolution was reached after the management and trade union made a collective agreement on July 2003.
Korea (consulting with Switzerland)	A Swiss-owned multinational enterprises' labour relations	2003	Korea	IV. Employment and Industrial Relations	Concluded	No	This was concluded by common consent between the interested parties in November 2003. The Swiss NCP issued an intermediate press statement: http://www.seco.admin.ch/news/00197/index.html?lang=en
Korea	Korean company's business relations in Malaysia's wire rope manufacturing sector	2003	Malaysia	IV. Employment and Industrial Relations	Concluded	n.a.	* Korea's NCP is engaged in Guidelines promotion and Specific Instances implementation in accordance with the a rule for Korea's NCP, which was established in May 2001.
Mexico (consulting with the German NCP)	Closing of a plant	2002	Mexico	IV. Employment and Industrial relations	Concluded	n.a.	The conflict was settled on 17 Jan 2005: The at that time closed Mexican subsidiary was taken over by a joint venture between the Mexican <i>Llanti Systems</i> and a cooperative of former workers and was re-named "Corporación de Occidente". The workers have received a total of 50% in shares of the tyre factory and <i>Llanti Systems</i> bought for estimated USD 40 Mio. The other half of the factory. The German MNE will support it as technical adviser for the production. At first there are 600 jobs; this figure shall be increased after one year to up to 1000 jobs.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Netherlands	Adidas' outsourcing of footballs in India	July 2001	India	II. General Policies IV. Employment and Industrial Relations	Concluded	Yes	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 www.oecd.org/dataoecd/33/43/2489243.pdf
Netherlands	Dutch trading company selling footballs from India	July 2001	India	II. General Policies IV. Employment and Industrial Relations	Concluded	No investment nexus	After the explanation of the CIME on investment nexus it was decided that the issue did not merit further examination under the NCP.
Netherlands	IHC CALAND's activities in Myanmar to contribute to abolition of forced labour and address human rights issues	July 2001	Myanmar	IV Employment and Industrial Relations	Concluded	Yes	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 www.oesorichtlijnen.nl .
Netherlands	Closure of an affiliate of a Finnish company in the Netherlands	December 2001	Netherlands	IV. Employment and Industrial Relations	Concluded	No	Labour unions withdraw their instance after successful negotiations of a social plan.
Netherlands	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	March 2002	Guatemala/ Korea	IV. Employment and Industrial Relations	Concluded	Not by Dutch NCP	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.
Netherlands	Labour unions requested the attention of the NCP on a closure of a French affiliate in the U.S.A.	July 2002	United States	IV. Employment and Industrial Relations	Concluded	Not by Dutch NCP	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.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Netherlands	Treatment of employees of an affiliate of an American company in the process of the financial closure of a company	Aug 2002	Netherlands	IV. Employment and Industrial Relations	Concluded	Yes	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 (www.oesorichtlijnen.nl).
Netherlands (consulting with Chile)	On the effects of fish farming	Aug2002	Chile	V. Environment	Concluded	Not by Dutch NCP	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.
Netherlands	Chemie Pharmacie Holland BV and activities in the DRC.	July 2003	Democratic Republic of Congo	II.10. Supply chain IV Employment and Industrial Relations	Concluded	Yes	Despite the lack of an investment nexus, the NCP decided to publicise a statement on lessons learned. (www.oesorichtlijnen.nl)
Netherlands	Closure of an affiliate of an American company in the Netherlands	Sept 2003	Netherlands	IV Employment and Industrial Relations	Concluded	No	Labour unions withdraw their instance after successful negotiations of a social plan.
Netherlands	Through supply chain provision address an employment issue between an American company and its trade union	Aug 2004 - April 2005	United States	IV Employment and Industrial Relations	Concluded	Not by Dutch NCP	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.
Netherlands	Travel agencies organising tours to Myanmar	2003-2004	Netherlands	IV Employment and Industrial Relations	Concluded	Yes	Although not investment nexus, NCP decided to make a statement about discouraging policy on travel to Myanmar, see www.oesorichtlijnen.nl (in Dutch).

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Netherlands	Treatment of the employees of an Irish company in the Netherlands	Oct 2004	Netherlands	IV Employment and Industrial Relations	Concluded	No	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.
Netherlands	Introduction of a 40 hrs working week in an affiliate in the Netherlands of an American company	Oct 2004	Netherlands	IV Employment and Industrial Relations	Concluded	No	Legal proceedings took care of labour union's concerns.
Netherlands	Treatment of employees and trade unions in a subsidiary of a Dutch company in Chile	July 2005	Chile	IV Employment and Industrial Relations	Concluded	Not by Dutch NCP	Labour Union requested the Dutch NCP to inquire after the follow up of a Interim report of the ILO Committee on Freedom of Association on the complaint against the Government of Chile.
Netherlands	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.	July 2006	USA	II. General Policies V. Employment and Industrial Relations	Pending	N.A.	The Dutch NCP has referred the notifying NGO to the NCP in BRasil and has offered its assistance in the handling of the instance.
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.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Netherlands	Maltreatment of employees and <i>de facto</i> 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	Pending	No	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.
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.
Netherlands	Denial of union rights by an alleged Turkish garments supplier of a Dutch clothing company	December 2006	Turkey	IV. Employment and Industrial Relations	Pending before Turkish NCP	N.A.	No proven territorial link with the Netherlands. Case being dealt with by Turkish NCP, although awaiting local legal proceedings.
Norway	Contractual obligations of a Norwegian maritime insurance company following personal injury and death cases	2002	Philippines, Indonesia	IV. Employment and Industrial Relations	Concluded	n.a.	An initial assessment by the NCP concluded that the company had not violated the Guidelines and that the issue did not merit further examination.
Norway	Human rights in relation to provision of maintenance services to a detention facility in Guantanamo Bay	2005	United States	II.2 Human Rights	Concluded	Yes	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.
Poland	Violation of workers' rights in a subsidiary of a multinational enterprise	2004	Poland	IV. Employment and Industrial Relations	Ongoing	n.a.	In contact with representatives of parties involved.
Poland	Violation of workers' rights in a subsidiary of a multinational enterprise	2002	Poland	IV. Employment and Industrial Relations	Resumed	n.a.	In contact with representatives of parties involved.
Poland	Violation of women and workers' rights in a subsidiary of a multinational enterprise	2006	Poland	IV. Employment and Industrial Relations	Ongoing	n.a.	In contact with representatives of parties involved.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Portugal	Closing of a factory	2004	Portugal	IV. Employment and Industrial Relations	Concluded	No	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.
Spain	Labour management practices in a Spanish owned company.	May 2004	Venezuela	IV. Employment and Industrial Relations	Concluded		
Spain	Conflict in a Spanish owned company on different salary levels.	Dec 2004	Peru	IV. Employment and Industrial Relations	Concluded		
Sweden	Two Swedish companies' (Sandvik and Atlas Copco) business relations in Ghana's gold mining sector	May 2003	Ghana	IV. Employment and Industrial Relations V. Environment	Concluded	Yes	The Swedish NCP issued a statement in June 2003 www.oecd.org/dataoecd/16/34/15595948.pdf
Switzerland (consulting with Canada)	Impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company	2001	Zambia	II. General Policies V. Environment	Concluded	No	The specific instance was dealt with by the Canadian NCP (see information there). The Swiss company was kept informed of developments.
Switzerland (consulting with Korea)	Swiss multinational Nestlé's labour relations in a Korean subsidiary	2003	Korea	IV. Employment and Industrial Relations	Concluded	No	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: http://www.seco.admin.ch/news/00197/index.html?lang=en

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
Switzerland	Swiss multinational's labour relations in a Swiss subsidiary	2004	Switzerland	IV. Employment and Industrial Relations	Concluded	No	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.
Switzerland (consulting with Austria and Germany)	Logistical support to mining operations in a conflict region	2005	Democratic Republic of Congo	Several chapters, including: II. General Policies III. Disclosure IV. Employment	Concluded	No	The Swiss NCP concluded that the issues raised were not in any relevant way related to a Swiss-based enterprise.
United Kingdom	Activities of Avient Ltd alleged in a UN Expert Panel report.	2003	Democratic Republic of Congo	This was not specified in the UN Panel report	Concluded	Yes	The U.K. NCP issued a statement in September 2004: www.csr.gov.uk
United Kingdom	Activities of Oryx Minerals alleged in a UN Expert Panel Report	2003	Democratic of Congo	This was not specified in the Panel Report	Concluded	Yes	
United Kingdom	Activities of DAS Air alleged in a UN Expert Panel Report	2003	Democratic Republic of Congo	This was not specified in the UN Panel Report	Ongoing	N/A	In contact with parties.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United Kingdom	BTC; activities of consortium led by British Petroleum	2003	Azerbaijan, Georgia, Turkey	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	Ongoing	N/A	In contact with parties.
United Kingdom	Activities of National Grid/Transco/	2004	Democratic Republic of Congo	Various	Concluded	Yes	The UK NCP issued a statement in July 2005: www.csr.gov.uk
United Kingdom	Activities Anglo American	2005	Zambia	Various	Ongoing	N/A	Draft final statement with both parties
United Kingdom (in contact with US NCP)	Freedom of association and collective bargaining.	2006	United States	IV. Employment and Industrial Relations	Ongoing	N/A	In contact with both parties.
United Kingdom	Freedom of association and collective bargaining.	2006	Bangladesh	IV. Employment and Industrial Relations.	Ongoing	N/A	In contact with both parties.
United Kingdom	Process in closing down plant - Collective bargaining - Access to information and meaningful consultation	2006	UK	IV. Employment and Industrial Relations	Ongoing	N/A	In contact with parties
United Kingdom	Freedom of association and collective bargaining	2006	UK	IV. Employment and Industrial Relations	Not accepted	N/A	Not taken as specific instance as parties recommenced negotiations during initial assessment, resulting in acceptable outcome for both parties. Therefore proving unnecessary for NCP to take case further.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United Kingdom	Contribution to economic, social and environmental progress with a view to achieving sustainable development Freedom of association and collective bargaining	2006	Mozambique Malawi Israel Uganda DRC Nepal Greece USA	II. General policies IV. Employment and Industrial Relations	On going	N/A	In contact with parties Undergoing initial assessment
United Kingdom	Obeying domestic law is the first obligation of business Transfer of factory avoiding redundancy obligations Freedom of association and collective bargaining	2006	India	I. Concepts and principles IV. Employment and Industrial Relations	On going	N/A	In contact with parties. Undergoing initial assessment
United Kingdom	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	2007	Democratic Republic of Congo	II. General policies IV Employment and Industrial Relations VI Combating bribery	On going	N/A	In contact with parties Undergoing initial assessment
United States, consulting with French NCP	Employee representation	June 2000	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement
United States	Employee representation	February 2001	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement
United States	Investigate the conduct of an international ship registry	November 2001	Liberia	II. General Policies III. Information and Disclosure VI. Combating Bribery	Concluded	No	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
United States, consulting with French NCP	Employment and industrial relations, freedom of association and collective bargaining	July 2002	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United States, multiple NCPs	Business in conflict zones, natural resource exploitation	October 2002	Democratic Republic of Congo	Numerous	Concluded	No	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
United States, consulting with German NCP	Employee relations in global manufacturing operations	November 2002	Global, focus on Vietnam & Indonesia	IV. Employment and Industrial Relations	Concluded	No	USNCP concluded that the issues raised were being adequately addressed through other means.
United States consulting with French NCP	Employment and industrial relations, collective bargaining	June 2003	United States	IV. Employment and Industrial Relations	Concluded	Yes	Parties reached agreement
United States, consulting with German NCP	Employment and industrial relations, collective bargaining representation	June 2003	United States	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States, consulting with Mexican NCP	Employment and industrial relations, collective bargaining, freedom of association	July 2004	Mexico	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States, consulting with Dutch NCP	Employment and industrial relations	August 2004	United States	II. General Policies IV. Employment and Industrial Relations VII. Consumer Interests	Concluded	No	Parties reached agreement
United States	Business in conflict zones, natural resource exploitation	August 2004	Democratic Republic of Congo	Numerous	Concluded	No	USNCP concluded that the UN Panel of Experts report had resolved all outstanding issues with respect to US companies involved
United States	Employment and industrial relations	August 2004	United States	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States	Employment and industrial relations	September 2004	United States	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States	Employment and industrial relations	March 2005	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement
United States	Employment and industrial relations	May 2005	United States	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States	Employment and industrial relations	March 2006	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United States, consulting with Polish NCP	Employment and industrial relations, sexual harassment	May 2006	Poland	IV. Employment and Industrial Relations	Ongoing	n.a.	Ongoing
United States	Employment and industrial relations	June 2005	United States	IV. Employment and Industrial Relations	Concluded	No	Parties reached agreement
United States, consulting with German NCP	Employment and industrial relations	August 2006	United States	IV. Employment and Industrial Relations	Ongoing	No	Ongoing
United States, consulting with Austrian NCP	Employment and industrial relations	November 2006	United States	IV. Employment and Industrial Relations	Ongoing	No	Ongoing

Note: n.a. = not applicable

Annex 4.

Statements released by NCPs, June 2006-June 2007

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 Australian National Contact Point on the ANZ Banking Group (ANZ) Specific Instance
- Public statement by the Finnish National Contact Point on the Botnia S.A/Metsä-Botnia Oy Specific Instance
- Public statement by Finnish National Contact Point on the Finnvera Oyj Specific Instance
- Public statement by the Hungarian National Contact Point on Mr. Imre Horgosi vs Visteon Hungary Specific Instance
- Public statement by the U.S. National Contact Point on the Saint-Gobain Specific Instance

Statement by the Australian NCP

Statement by the Australian National Contact Point: ANZ Specific Instance

13 October 2006

Background

1. On 28 August 2006, the Australian National Contact Point for the OECD's Guidelines for Multinational Enterprises received a request to consider a 'specific instance' from a consortium of five non-government organisations ('the complainants') alleging that the ANZ Banking Group (ANZ), through its financial links with the Malaysian-owned forestry company Rimbunan Hijau (RH) operating in Papua New Guinea, had breached various provisions of the OECD's Guidelines for Multinational Enterprises.¹
2. Specifically, it is alleged that the ANZ is not complying with the following provisions of the Guidelines:
 - Article II, Section 1: "Enterprises should contribute to economic, social and environmental progress with a view to achieving sustainable development";
 - Article II, Section 2: "Enterprises should respect the human rights of those affected by their activities consistent with the host government's international obligations and commitments";
 - Article II, Section 10: "Enterprises should encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the Guidelines"; and
 - Article V, Section 1: "Enterprises should establish and maintain a system of environmental management appropriate to the enterprise.
3. Through the specific instance mechanism of the Guidelines, the complainants sought the following outcomes and commitments:
 - ANZ adopt meaningful forestry and human rights policies that set basic standards for its clients across all its business operations, in accordance with international best practice for financial institutions;
 - ANZ immediately disengage from the socially and environmentally destructive forestry operations in PNG;
 - ANZ explore and actively foster community-based forestry operations conducted on a sustainable basis in PNG; and
 - ANZ advocate for positive solutions to forestry and human rights issues in Australia and in PNG.

¹ The complainants were the Australian-based Australian Conservation Foundation and the Human Rights Council of Australia and the PNG-based Centre for Environmental Law and Community Rights; the PNG Eco-Forestry Forum; and the Environmental Law Centre.

4. The complainants also noted that the specific instance mechanism was being invoked because they were dissatisfied with the lack of progress in direct discussions with the ANZ. The complainants hoped that the specific instance process would facilitate better dialogue with the ANZ and secure commitments in accordance with the Guidelines.

ANCP's processes

5. In accordance with the ANCP's published procedures for handling specific instances, the ANCP commenced an initial assessment as to whether the issues raised warranted further consideration as a specific instance under the Guidelines. The ANCP's fact finding included meeting separately with representatives of the complainants and the ANZ on 6 September in Melbourne. On 14 September the complainants lodged a supplementary submission and on 21 September the ANZ lodged its submission. Both submissions sought to amplify and clarify issues discussed in the meetings.² Both parties consented for their submissions to be shared with the other party.
6. On 29 September 2006, the ANCP conveyed to both parties his assessment that it would not be appropriate to accept the complainants' request to consider a specific instance.

ANCP's determination

7. In seeking to determine whether this case is admissible as a specific instance under the Guidelines, the ANCP sought to establish whether there was an investment nexus between ANZ and RH.
8. The ANZ submitted that it has no capacity to direct or control RH operational decisions. The ANZ is not a member of any RH Board, management committee or other decision-making body of RH and it holds no investment in RH. The ANZ also noted that it was a provider of banking and financial services to an entity that was operating legitimately under PNG law.
9. The ANCP considered the complainants' view that the performance-related bank guarantee given to the PNG Forestry Authority constituted an ANZ investment in RH because of its contingent nature.³ The ANCP notes that a business investment typically involves an element of residual risk bearing by the investor which appears to be absent in the bank guarantee. Moreover, the ANCP notes ANZ's advice that its financial services, including the bank guarantee, are provided on a fee-for-service basis to RH. These facts have led the ANCP to conclude that it would be difficult to characterise ANZ's financial links with RH as an investment as intended by the Guidelines.⁴
10. The ANCP also carefully considered the complainants' view that the ANZ's engagement with RH to promote more responsible business practices of itself reflected ANZ's acceptance that it was part of RH's 'supply chain'. The ANCP notes that the matter of whether a supply chain exists, let alone whether it is sufficiently strong to support a specific instance is unclear in relation to financial sector participants. The usual notion of a supply chain is of a collection of entities that successively

² The complainants' original and supplementary submissions and the ANZ's submission are posted along with this statement on the ANCP's website (www.ausanp.gov.au).

³ The ANZ guarantee is made on behalf of RH and promises to make good liabilities that may be incurred by RH under the terms of its lease with the PNG Forestry Authority. The Authority can call upon the guarantee if RH were to fail to pay royalties, undertake reforestation, if applicable or act in any way outside the terms of its lease.

⁴ A succinct statement on the scope of the Guidelines, including application of the investment nexus test in a specific instance process is provided in the clarification issued by the OECD Investment Committee in the 2003 Annual Report on the OECD Guidelines for Multinational Enterprises.

transform a good or a service until it reaches final consumers. Contrastingly, financial services or indeed other services (e.g. consultancy services or human resources) are supply inputs to a firm's productive capacity. The ANCP notes that the OECD Investment Committee intends to study these issues in 2007.

11. Nevertheless, the ANCP drew on existing guidance from the OECD Investment Committee that indicates that the supply chain (and business partners) issue rests on "the practical ability of enterprises to influence the conduct of their business partners with whom they have an investment like relationship".⁵
12. In this regard, the opposing submissions are noteworthy. The ANZ indicates that its capacity to influence RH is limited as it does not participate in any decision making processes of RH. It also points to the competitive nature of financial service provision. The complainants, on the other hand, question ANZ's lack of ability to influence RH pointing to the ANZ's reputation and established market position as potential levers that could be used to effect a change in RH's practices. The complainants also note that ANZ might consider emulating Citigroup's 2005 announcement that "RH would be required to comply with Citigroup's environmental policy to continue to qualify for financing from the bank".
13. On the facts tendered by both parties, the ANCP is unable to ascertain the degree to which ANZ has the capacity to influence RH's logging decisions in PNG. That being the case, the ANCP nevertheless notes that the issues raised by the supply chain (and business partners) become significant only when there is an established investment or investment-like relationship.

Summary and next steps

14. In spite of the ANCP's inability to accept this case as a specific instance, the ANCP notes that the complainants and the ANZ are both striving to improve responsible business practices. The ANZ is committed to promoting responsible business practices by its clients, including RH. Moreover, the ANZ intends to make a public commitment to the OECD Guidelines for Multinational Enterprises. The complainants are also striving to assist global entities like the ANZ to achieve their stated goals of promoting responsible business conduct.
15. It would seem appropriate that both parties have much to gain from resuming their dialogue on these matters even if that dialogue were to occur outside the umbrella of the specific instance process. The ANCP acknowledges that there would need to be a renewed commitment from both sides to take the dialogue to a higher, more productive plane.
16. Although not formally part of the ANCP's mandate, the ANCP stands ready to inaugurate such a dialogue should both parties request it.

Gerry Antioch
Australian National Contact Point
for the OECD Guidelines for Multinational Enterprises
13 October 2006

⁵ Third dot point in the 2003 clarification issued by the OECD Investment Committee in the 2003 Annual Report on the OECD Guidelines for Multinational Enterprises.

Statement by the Finnish NCP

Finland's NCP statement on the Specific Instance submitted by CEDHA, an Argentinian NGO, regarding Botnia S.A/Metsä-Botnia Oy's pulp mill project in Uruguay

21 December 2006

1. Background

1.1. Specific Instance and the decision on its examination

On 18 April 2006, the Center for Human Rights and Environment (CEDHA), an Argentinian non-governmental organisation, submitted to Finland's National Contact Point applying the OECD Guidelines for Multinational Enterprises a Specific Instance regarding the possible non-compliance of an enterprise called Botnia S.A/Metsä-Botnia Oy with the Guidelines for Multinational Enterprises when building a pulp mill in Uruguay.

On 19 June 2006, Finland's National Contact Point (the Ministry of Trade and Industry) decided to deal with the Specific Instance submitted by the CEDHA. In the decision it was considered that even though the building project is implemented in Uruguay, Finland's National Contact Point has the authority to deal with the Specific Instance, due to the fact that Uruguay does not have a corresponding National Contact Point, and because Botnia S.A/Metsä-Botnia Oy can be regarded as having a connection to Finland, e.g. through ownership. Furthermore, it was considered that an Argentinian non-governmental organisation has the authority to submit the Specific Instance, since it was considered that the effects of the pulp mill also extend across the Argentine border. On the other hand, on 8 November 2006, Finland's National Contact Point decided to dismiss the corresponding Specific Instance regarding Finnvera Oyj, which was submitted by the CEDHA.

1.2. Procedure in Finland's National Contact Point

The Specific Instance has been dealt with on many occasions by the Advisory Committee on International Investment and Multinational Enterprises of Finland (MONIKA), which operates under the auspices of the Ministry of Trade and Industry, and which has an advisory role in dealing with corresponding Specific Instances. In co-operation with the Ministry of Trade and Industry, this Advisory Committee also organised a hearing on 30 August 2006, which included representatives from both the CEDHA and Botnia S.A/Metsä-Botnia Oy. An English memorandum of the hearing was submitted to different parties. In connection with the hearing, the CEDHA distributed a memorandum dated 27 August 2006 to provide additional viewpoints in support of the Specific Instance. Accordingly, Botnia S.A/Metsä-Botnia Oy set forth its views in the hearing and provided, in the form of a letter dated 15 September 2006, the Advisory Committee with its written responses to the arguments made in the Specific Instance by the CEDHA. The hearing was also attended by representatives from Sweden's and Norway's National Contact Points, due to their involvement in the pending Specific Instance regarding Nordea Bank, submitted by the CEDHA.

During the procedure, Finland's National Contact Point has been in contact with the authorities of Uruguay. Among others, the representatives from the Ministry of Trade and Industry have met with Uruguay's Deputy Foreign Minister Belela Herrera in Helsinki on 28 September 2006. Furthermore, a representative from the ministry has met with representatives from Argentina's National Contact Point and Spain's National Contact Point in Paris.

On 22 September 2006, after hearing the MONIKA Advisory Committee, Finland's National Contact Point came to the conclusion that the hearing organised on 30 August 2006 proved that the parties involved

do not reach agreement on the issues raised, in spite of the fact that the National Contact Point has aimed to offer good offices to help the parties involved resolve the issues, in accordance with the Procedural Guidance related the OECD Guidelines for Multinational Enterprises. This is why Finland's National Contact Point decided to start preparing a statement on the Specific Instance submitted by the CEDHA.

1.3. Other forums

On 4 May 2006, the Argentine Government submitted to the Hague International Court of Justice a Specific Instance regarding Uruguay's possible non-compliance with the Uruguay River Treaty when it authorised Botnia S.A/Metsä-Botnia Oy to build a pulp mill. In July 2006, the International Court of Justice found, contrary to the request of the Argentine Government, that Uruguay does not need to halt construction work pending a final decision by the Court. It will take probably two-three years for the Hague court to grant the final decision.

As member institutions of the World Bank Group, IFC and MIGA have considered their involvement in the financing of Botnia S.A's pulp mill. IFC commissioned an independent Canadian consult to prepare a study on the environmental impacts of the pulp mill. The results of this IFC consult study, dated 12 October 2006, are favourable to Botnia S.A. According to this study, the pulp mill project is environmentally sound and meets the other World Bank Group guidelines as well. On 21 November 2006, IFC and MIGA decided to provide the project with a \$170 million loan and guarantees worth up to \$350 million.

2. Issues addressed in the Specific Instance submitted by the CEDHA

What follows is an account of the issues relating to the possible non-compliance with the OECD Guidelines, as addressed in the Specific Instance submitted by the CEDHA. According to the CEDHA, Botnia has violated the guidelines especially with respect to Chapter II 'General Policies', Chapter III 'Disclosure', Chapter V 'Environment' and Chapter VI 'Bribery'. Together with other relevant viewpoints, Botnia's comments submitted to the National Contact Point on 15 September 2006 have been taken into account when dealing with these issues.

II General Policies

The starting point of the general policies is the principle that multinational enterprises should take fully into account established policies in the country of investment and consider the views of other stakeholders. Thus, with regard to Botnia's pulp mill project, the corresponding general policies are to be assessed primarily in terms of their realisation in Uruguay, which is the host country in this case.

What follows is an account of the arguments relating to general policies as set forth by the CEDHA, primarily from Argentina's viewpoint:

II.1. Enterprises should contribute to economic, social and environmental progress with a view to achieving sustainable development.

In this context the CEDHA particularly refers to the Uruguay River Treaty between Argentina and Uruguay. With regard to Botnia's pulp mill project, however, it must be considered that it is the Uruguayan Government and not Botnia S.A that has the primary responsibility to comply with the obligations of the Uruguay River Treaty. Botnia S.A has been granted all the needed permits for the project by the Uruguayan Government, and it is committed to comply with all the related obligations. The enterprise must be able to trust that the Uruguayan Government has taken into account all its international contractual obligations in permit proceedings. This is also proved by the fact that it is the

Uruguayan Government that is the defendant in the case brought in the Hague International Court of Justice, instead of Botnia S.A.

II.2. Enterprises should respect the human rights of those affected by their activities consistent with the host government's international obligations and commitments.

The CEDHA considers that Botnia's pulp mill project violates the human rights of the Argentinians living close to the mill by harming their quality of life, environment and livelihood. In this context it must be also noted that aspects related to human rights are to be discussed primarily from the viewpoint of the State of Uruguay. With regard to its own operations, Botnia is committed to respecting human rights in all of its operations, in accordance with the international obligations and contracts of the host states. Botnia S.A has not appeared to violate human rights as specified in the OECD Guidelines, neither in Uruguay nor in Argentina.

II.5. Enterprises should refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to environmental, health, safety, labour, taxation, financial incentives, or other issues.

In the Specific Instance submitted by the CEDHA it is considered that Botnia's pulp mill project will cause serious economic, social and environmental damage to Uruguay whilst providing few permanent jobs and no tax income for the State of Uruguay. In this context the CEDHA refers e.g. to the negotiated 25-year tax-free zone. However, the exemption from income tax granted to Botnia is in accordance with Uruguayan legislation. This legislation on free trade zones originally came into effect as early as in 1923, and it has been applied to a number of different projects. Furthermore, it must be considered that the value of other types of tax income and benefits to Uruguay related to the pulp mill investment are many times higher than the value of exemption.

In accordance with the principles of free movement of capital, an enterprise has the right to invest in a country attracting investments with tax incentives, and also otherwise providing strong government support to the investment in question. Possible unhealthy competition caused by taxation and state support can be tackled by means of mutual arrangements between countries and international agreements. Neither can differences in wage levels serve as an obstacle to investing. According to various studies, international investments have usually raised the local wage level. The Botnia construction site currently employs 4 000 workers, 90 percent of whom are local Uruguayans. The positive impact of the mill project on Uruguay's gross domestic product has been estimated to be about 2 percent. Finland's National Contact Point regards the positive economic effects of the mill project on Uruguay as significant.

III Disclosure

III.1. Enterprises should ensure that timely, regular, reliable and relevant information is disclosed regarding their activities, structure, financial situation and performance.

The CEDHA considers that Botnia S.A has failed to provide sufficient information especially for communities and persons subject to the possible harmful effects of the mill project on the Argentine side of the border. Botnia S.A, on the other hand, states that since October of 2003, it has been implementing open and proactive communication policies reaching Argentina as well. Botnia S.A has provided the National Contact Point with a list of its communication projects. Botnia S.A has also organised several public hearings in Fray Bentos, to which various parties from Argentina have been invited as well.

When assessing the operations of Botnia S.A, local circumstances and their changes need to be taken into account. On the basis of the information available, it seems that the public has been informed of the project on an extensive and regular basis. Of course, it is always possible to increase and improve communication to ensure the best possible result. The development of the dispute into a conflict between two states has made communication more difficult. Certain measures taken on the Argentine side of border, such as the blockade of the bridge over the boundary river, have in many cases prevented Argentinians from participating in the informative meetings organised on the Uruguayan side and also prevented unbiased coverage in the Argentine media.

V Environment

In the Specific Instance the CEDHA considers that Botnia's project has significantly violated the environmental recommendations of Chapter V of the OECD Guidelines. With regard to environmental aspects, the 12 items listed in the Specific Instance by the CEDHA refer to Botnia's alleged failures to comply with the recommendations. The National Contact Point has asked for a statement on environmental impacts of the project from the Finnish Ministry of the Environment (9 November 2006). According to this statement, several environmental impact assessments on the project indicate that it is based on the use of the best technology available (IPPC-BAT2001) in accordance with the European Directive on Integrated Pollution Prevention and Control (Directive 96/61/EC). The pulp mill project also meets the requirements of USEPA (United States Environmental Protection Agency).

The project has involved several extensive environmental impact assessments that have not revealed anything significant to criticise Botnia S.A for. It must be considered that Botnia S.A has been operating in accordance with the principles of sound environmental management as well as the OECD Guidelines with regard to environmental viewpoints. This is also proved by the fact that IFC and MIGA have decided to provide financing for the project. On the other hand, in projects like this openness and, success in project communication, in utilisation of impact assessments and in co-operation with interest groups in the target area during the project, are also significant. Furthermore, it is worth mentioning that Finnish environmental authorities have provided Uruguayan environmental authorities with education in the supervision and control of pulp mills.

VI Bribery

In its Specific Instance the CEDHA has also suggested that a person connected to Botnia S.A has been involved in the bribery of local parties in relation to issues concerning the enterprise. Correspondingly, it has been argued that a Uruguayan official is about to be charged in Argentina with illicit handling of project permits. However, the CEDHA has failed to provide any evidence on the alleged bribery, and there are no ongoing official proceedings related to either of the cases. On the basis of the information available, the bribery claims made by the CEDHA have not been proved to be true.

3. Statement of Finland's National Contact Point

The Specific Instance submitted by the CEDHA refers extensively to the principles and recommendations of the OECD Guidelines, concluding that Botnia S.A has violated a number of principles and recommendations. To support this, the Specific Instance contains references to several complaints drafted by the CEDHA, the legal process in the Hague International Court of Justice and the World Bank's requests for additional assessments. Finland's National Contact Point considers that the evidence presented does not prove that Botnia S.A has failed to comply with the OECD Guidelines. The OECD Guidelines do not aim to create obstacles for international investments but to ensure that the operations of multinational enterprises are in harmony with government policies, to strengthen the basis of mutual confidence between

enterprises and the societies in which they operate, to help improve the foreign investment climate and to enhance the contribution to sustainable development made by multinational enterprises.

Enterprises have to be especially careful when involved in investment projects subject to risks related to politics and international law. However, it is always the task of the host country of the investment, in this case that of Uruguay, to pay attention to political viewpoints. With regard to Botnia's pulp mill project, the Uruguayan Government has by no means questioned the investment. On the contrary, it has supported the implementation of the investment and seen the economic and other benefits.

Due to its big size, the pulp mill project is bound to have a variety of effects on the surrounding society. The project is committed to strict international criteria in environmental impact management. Accordingly, the harmful social effects of the project are minimal, whereas its economic benefits are extensive. Even though most of the benefits in this case are reaped on the Uruguayan side of the border, a significant part of the benefits might be realised in Argentina as well, if Argentinian persons and companies had access to the benefits created by the pulp mill project.

Botnia S.A/Metsä-Botnia Oy is committed to enhancing sustainable development in all of its business operations, improving its operations on a continuous basis, and doing business in a responsible manner. Botnia S.A has also stated that it adheres to the principles of the UN Global Compact. Even though the principles followed by Botnia S.A on social responsibility are more general in nature than the OECD Guidelines, they are equally comprehensive in scope. This, for its part, ensures that Botnia S.A will use acceptable methods and adhere to internationally acceptable practices also in the future work on the project.

On the basis of the received evidence, Finland's National Contact Point considers that Botnia S.A/Metsä-Botnia Oy has not been proved to violate the OECD Guidelines in the pulp mill project in Uruguay. Thus, the Specific Instance submitted to Finland's National Contact Point by the CEDHA on 18 April 2006 requires no further action in Finland.

Statement by the Finnish NCP

Orion paper mill factory project (Uruguay; Botnia SA) and Finnvera Oyj

12 October 2006

The Center for Human Rights and Environment (CEDHA) made on 8 June 2006 a request for specific instance to the Finnish national Contact Point, as defined by the OECD Guidelines for Multinational Enterprises, concerning the financial activities of Finnvera Oyj in relation to the Botnia SA paper mill project in Uruguay. With respect to the request, the Finnish National Contact Point is the Finnish Ministry of Trade and Industry. The request of CEDHA was dealt with by the MONIKA Advisory Committee of International Investment and Multinational Enterprises, which is attached to the Ministry.

According to the OECD Guidelines for Multinational Enterprises, the Finnish National Contact Point must first decide whether the request for specific instance will merit a further examination, before issuing a statement on it. The nature of Finnvera Oyj's special financing and the company's position as a provider of state export guarantees must be considered when dealing with the matter. The following issues should be taken into account, in particular:

- Finnvera Oyj cannot be considered a multinational enterprise, as defined by the Guidelines, when contemplating the special nature of Finnvera Oyj as a provider of state's export guarantees
- The OECD Guidelines cannot be considered to refer to state's export guarantee activities, which are regulated nationally by special legislation and for which special arrangements exist within the OECD (such as environmental principles approved for export credit agencies). - First and foremost, the Guidelines concern investment activities and enterprises that have made investments (primary investors), in this case Botnia SA. Commentary 10, Chapter 2 (general principles) of the Guidelines (supply chain) advises multinational enterprises to encourage their business partners and subcontractors to comply with principles that are in harmony with the Guidelines, and which cannot be applied directly to an export credit agency.
- The OECD Committee of Investment and Multinational Enterprises' (CIME) commentary on the Investment Nexus made in April 2003 does not entail that the Guidelines should be applied to Finnvera Oyj's special financing activities.
- With respect to the investment viewpoint taken by the Guidelines, applying them to the activities of Finnvera Oyj could not, ever otherwise, be considered appropriate.

Based on the reasons mentioned above, and having had the case considered by the MONIKA Advisory Committee, the Finnish Ministry of Trade and Industry has concluded that the request for specific instance issued by CEDHA on 8 June 2006 does not merit further examination by the Finnish National Contact Point.

Statement by the Hungarian NCP

**Hungarian NCP Statement
on Mr. Imre Horgosi vs Visteon Hungary Ltd case**

20 February 2007

On April 20, 2006 dr. Csaba Kiss lawyer, environmental attorney submitted a request to the OECD HNCP on behalf of his client, Mr. Imre Horgosi who was a former worker of Visteon Hungary Ltd.

In the letter sent to the HNCP the lawyer stated that ... “in the limited company the employees’ rights, neither health and safety, environmental regulations (related to hazardous materials) nor labour rules do not prevail”. According to the lawyer’s views the Visteon Hungary Ltd Company infringed Article 4. b) of Chapter IV (Employment and Industrial Relations) of the Guidelines, i.e. “ the enterprise should take adequate steps to ensure occupational health and safety in their operations.”

In accordance with his request in March 2002 his client had to carry out cleaning and washing faulty parts related to compressor manufacturing technology using organic solvent during testing the production line but this operation was not a part of the official technological procedure. Since the protective gloves which were applied in the first phase did not resist the effect of the organic solvent the workers’ hands suffered mild skin irritation which was treated by adequate crème. The worker was treated by medical specialist, but injury did not entitle to sick pay.

The HNCP asked two sides to prove their statements and to cooperate in order to learn the entire case. On the basis of submitted documents the HNCP found that statement of the lawyer is not true, namely “in the limited company the employees’ rights, neither health and safety, environmental regulations (related to hazardous materials) nor labour rules do not prevail”.

However the HNCP stated that though the middle level company leaders took into consideration one part of regulations during testing the production line but they did not apply them by the most careful and prudent way as they could do in order to keep all of the regulations in force and to cut and to screen the risks stemming from the unofficial operation beyond the technological procedure and to prevent development of dangerous situation. But after the first signalisation of deficiency the company terminated them within a short time (two weeks) and the official examinations and supervisions carried out by the Hungarian organs in succession could not find any irregularity in operation.

Selection of the chemical protective gloves needs reasonable experience and special knowledge. The middle level company leaders worked on the basis of insufficient knowledge and information what they had at that time. Material Safety Data Sheet of the organic solvent (Solutin C6) did not contain the type of gloves has to be applied. Therefore during the operation they applied three pairs of gloves in succession which were known by them and the gloves were previously used against organic solvent detecting damaging despite that the second pair of gloves was qualified as improved protective and the third pair of gloves should have resisted to caustic effect of solvent throughout 30 minutes at least.

The target of leaders on the spot was not to carry out “experiments on human beings” but the fulfilment of duty by use of protective equipments that they qualified as adequate and they applied in other operations successfully. On the basis of the proofs the examination could not reveal wilful endangering.

Responsibility of leaders comes up in respect with the fact that after the cognition of first gloves’ damages and signalisation given by the workers they did not stop the unofficial operation beyond the technological procedure and they did not look for the adequate type of protective equipment, i.e. they should have used the appropriate mean. They could have checked the permeability of material of gloves

without direct human participation (it was not necessary to put hands of human being into the gloves) by so-called quick test in harmony with the Guide for selection of chemical protective gloves which is a general recommendation known in EU and harmonised by competent Hungarian authorities in Hungary and after a consultation with the representative of glove manufacturer firm.

During the operational time the worker did not suffer such an injury which could justify drop-out of working time and pay sick. Worker was not enforced to do similar activity during all time spent in company.

Worker suffered mild injury which was through no fault of his (own). Worker did not claim damages from the company though the company drew his attention to this. According to the Hungarian rules in force labour claims become outdated over three year period, i.e. the case had lapsed.

Considering all facts and acts HNCP declares the case legally closed and draws all sides' attention to the needs that the probable risks in the case of applying technologies or aid material not known in full circle and deeply and all factors having harmful effect on environment and health have to be taken into consideration in the most prudent way and the interested sides have to take measures with respect to them and with special regard to the content of 25/2000. (IX.30.) EüM-SZCsM joint ministerial decree. The leaders on the spot are not only responsible for keeping the rules but they have to meet the ethical obligations which are not binding and which are not written in laws, e. g. which are in the Chapter IV and V (and the paragraphs 27, 34, 35 and 40 of the Commentary) of the Guidelines for Multinational Enterprises or which were formulated in Ethics and Integrity Policy of Visteon mother company (US).

HNCP proposes that Visteon Hungary Ltd should work up the consequences of the case and on the basis of experiences obtained should form safety regulation applied within the company workshops with special regard to the selection, application and maintenance of protective equipments used against hazardous chemical materials. Company leaders should devote great care to teaching knowledge related to hazardous materials in order to eliminate all risks endangering life and health.

20 February 2007
Budapest

Ministry of Economy and Transport
1055 Budapest, Honvéd u.13-15.

Visteon Hungary Ltd.
8000 Székesfehérvár, Aszalvölgyi út 9-11.

Statement by the United States NCP

**The United States National Contact Point's Final Statement
on the Saint Gobain-United Autoworkers Specific Instance**

5 January 2007

On June 5, 2003, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America International Union (UAW), the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), and the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) jointly submitted a letter to the U.S. NCP raising issues regarding the activities at a Saint Gobain Abrasives facility in Worcester, Massachusetts, under the Employment and Industrial Relations chapter of the OECD Guidelines for Multinational Enterprises regarding the right of workers to bargain collectively. Saint Gobain Abrasives is a subsidiary of Compagnie Saint-Gobain, a French company.

The unions sought the USNCP's assistance in addressing their concerns that Saint-Gobain's actions were interfering with their ability to represent and bargain on behalf of the employees at the Worcester facility, that Saint-Gobain management was not bargaining in good faith, and that the company was failing to ensure occupational health and safety.

The dispute between Saint-Gobain and the union which formerly represented the employees at the Worcester facility has been the subject of complaints filed at various times by the union, management, and employees who did not support the union, before the U.S. National Labor Relations Board (NLRB). The NLRB adjudicates labor disputes under U.S. labor law in the same areas addressed in the Industrial Relations Chapter of the OECD Guidelines.

The USNCP has met with the parties concerned, exchanged letters, and had numerous phone contacts throughout its preliminary assessment. After weighing the issues carefully and consulting the NLRB and the Federal Mediation and Conciliation Service (FMCS), the USNCP on April 14, 2005 offered its good offices and encouraged the parties to consider the possibility of reengaging the FMCS mediation process that they had pursued previously. The union responded favorably to this suggestion. However, the company reiterated the view, which it has maintained throughout the USNCP's involvement, that it preferred to pursue the issues exclusively through the NLRB under U.S. labor law, and further explained that process afforded the equivalent of mediation, noting the parties mediation before the Associated Chief Administrative Law Judge for the NLRB. The USNCP took no immediate action, but indicated to both parties that it would continue monitoring developments in the dispute while considering the preparation of a final report.

Pursuant to a decertification petition filed by certain Saint-Gobain employees, an election was held on January 27 and 28, 2005 to determine whether the union should be decertified as the employees' collective bargaining representative. In that election, bargaining unit employees voted by a margin of 350 to 309 to terminate the union's status as their collective bargaining representative. The union filed objections to the election with the NLRB and evidentiary hearings were held with an NLRB administrative law judge. On March 24, 2006, the administrative law judge issued a decision in which he certified the results of the election and ruled that, under applicable United States labor law, the union is no longer the exclusive bargaining representative of employees at Saint-Gobain's Worcester facility. The union issued a statement on April 28, 2006, acknowledging that its efforts to win majority support for union representation had not been successful, that it no longer represented Saint-Gobain workers, and that it had decided to close its Worcester office. As a result of these developments, the USNCP decided to discontinue its monitoring of the dispute and to prepare this final report concluding its involvement in the matter.