

COMMUNIQUE OF THE
ARGENTINE NATIONAL CONTACT POINT (ANCP)
for the OECD Guidelines for Multinational Enterprises
as closing of the specific instance “*ACIJ v. BNP PARIBAS*”

Buenos Aires, Argentina,
15 December 2016

The functions of the Argentine National Contact Point (ANCP) are to promote the Guidelines for Multinational Enterprises of the Organization for Economic Co-operation and Development (OECD) and to contribute to the resolution of issues related to their implementation. The *OECD Guidelines for Multinational Enterprises* are recommendations issued by governments to multinational companies that operate in adhering countries or with headquarters in said countries. The *Guidelines* set forth voluntary principles and rules for responsible corporate conduct that is compatible with applicable legislations and internationally recognized rules.

The ANCP is the authority in charge of receiving claims involving non-compliance with the *OECD Guidelines for Multinational Enterprises*. The ANCP acts in compliance with its Procedure Manual and within the framework of the abovementioned Guidelines.

Request for specific instance: ACIJ / BNP PARIBAS

Claimant:

On 4 July 2011, Dr. Ezequiel Nino, in his capacity as attorney-in-fact for NGO Asociación Civil por la Igualdad y la Justicia (ACIJ), filed a request with ANCP arguing that the *OECD Guidelines for Multinational Enterprises* had allegedly been breached by BNP Paribas Argentina.

The object of the claim was related to the alleged criminal activity carried out by said company with regard to improper management of assets, through the alleged

perpetration of the offences of tax evasion, money laundering and foreign currency smuggling.

In its request, Claimant asked that BNP Paribas Argentina:

- Recognize that the OECD Guidelines for Multinational Enterprises are in force;
- Explain its policy and the measures it implements to fight corruption, both internally and externally;
- Exhibit a collaborative attitude both before courts and in the context of the Specific Instance of ANCP;
- Explain its position in relation to the reported fact;
- Undertake a commitment to publish the information relevant to society as regards the corruption event in which it took part;
- Offer public apologies to Argentine society for the events that caused the filing;
- Undertake a commitment to redress the damage caused to society by collaborating with a civil society entity that promotes the construction of citizenship.

Proceedings:

ANCP failed to analyze the filing by ACIJ in a timely manner; thus, no decision has been made on the request. In the context of the work to restructure and improve the ANCP, its new members made a formal offer to NGO Asociación Civil por la Igualdad y la Justicia (ACIJ), on 2 November 2016, to update its request in order to adequately consider whether or not to open the specific instance. Such offer produced no results, and so the claim under analysis is dismissed.

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Ministry of Foreign Affairs, International Trade and Worship