

**COMMUNIQUE OF THE**  
**ARGENTINE NATIONAL CONTACT POINT (ANCP)**  
**for the OECD Guidelines for Multinational Enterprises**  
as closing of the specific instance “*Flavia Di Cino v. Tenaris*”

**Buenos Aires, Argentina**

**February 16, 2018**

**1. Introduction**

The Argentine National Contact Point (ANCP) is responsible for promoting the validity of the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises and contributing to the resolution of issues related to their implementation.

The OECD Guidelines for Multinational Enterprises are recommendations addressed by governments to multinational enterprises operating in adhering countries or headquartered in them. The Guidelines set out voluntary principles and standards for responsible business conduct consistent with applicable laws and internationally recognized standards.

The ANCP is the authority responsible for receiving complaints involving non-observance or non-compliance with the OECD Guidelines for Multinational Enterprises. The ANCP conducts itself in accordance with its Procedures Manual and within the framework of the aforementioned Guidelines.

According to Article 24 of the Procedural Manual, the ANCP "shall disclose the final results of the specific instance procedure (taking into account the need to protect information considered sensitive) in the form of a Statement or a Report, as the case may be, which shall follow the following formats:

(a) Statement: if the parties involved are unable to reach agreement on the issues raised or if the NCP determines that one or more parties involved in the specific instance are unwilling to participate or engage in good faith, the NCP will issue a statement and make appropriate recommendations, on the implementation of the Guidelines. This procedure makes it clear that the NCP will issue a statement, even if it perceives that no specific recommendation is required. The statement will identify the parties involved, the issues raised, the date the issues were raised with the NCP, the NCP's recommendations and any comments the NCP may make as it deems appropriate, to include the reasons why the proceedings have not resulted in agreement".

**2. Parts of the specific instance:**

**a. Complainant**

Flavia Di Cino is an Argentine citizen residing in the Republic of Argentina.

**b. Respondent**

Tenaris is a company engaged in the supply of pipes and related services for the extraction, transportation and processing of oil and gas.

Tenaris began with the creation of Siderca, in Argentina, in 1948. Following the expansion of its operations and a series of strategic investments, it became a global company.

**3. Summary of the presentation.**

On September 25, 2017, Flavia Di Cino sent by email a submission to the attention of the National Contact Points of Argentina, Brazil, Canada, Italy, Luxembourg, Japan, Mexico, the United Kingdom and the United States, alleging a breach of the following chapters of the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises by Tenaris S.A.: Employment and Labor Relations, Human Rights and Fight against corruption, bribery requests and other forms of extortion.

The subject matter of the claim relates to an alleged labor and human persecution perpetrated by the company, both inside and outside the company, prior and subsequent to having dismissed her without legal causes in August 2012.

According to the filing, Ms. Di Cino has been claiming the payment of the corresponding indemnity in accordance with the Law and a pecuniary compensation for moral damages in judicial instances.

Also, according to the filing, the company is allegedly involved in other issues related to the provisions of the OECD Guidelines for Multinational Enterprises.

**4. Claimant's Request**

In its submission, the Complainant requested the OECD to facilitate a mediation with Tenaris in order to:

- (a) Disclose information about Tenaris S.A.'s business relationships and internal procedures.
- b) Request appropriate reparations for the damages that the company had caused to the Claimant, in which regard it also requested the resolution of the parallel legal proceedings in process and the return of several objects, as well as the cessation of certain alleged actions against the company.

**5. Good offices of the PNCA**

The ANCP held several meetings with Ms. Di Cino to obtain more information on the following matters: her requests and the status of the parallel judicial instance.

On January 3, 2018, the ANCP informed the other National Contact Points that had received the submission that the ANCP would lead the specific instance.

On February 16, 2018, the complainant informed by means of a note addressed to the ANCP her withdrawal of all the points made in her submission (email dated September 25, 2017) to the NACP, in view of the fact that her claims would be redirected through judicial instances.

**6. ANCP Conclusions:**

The ANCP has given due attention to the submission made and has conducted itself within the framework of the powers and functions assigned to it by the OECD Guidelines, endeavoring to answer queries and provide explanations to the interested party in relation to the procedures of specific instances.

Likewise, the ANCP has duly informed the complainant that its withdrawal does not preclude it from requesting the opening of a new instance in the future if it deems it appropriate.

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Ministry of Foreign Affairs, International Trade and Worship