

FINAL SYNTHESIS
SPECIFIC INSTANCE SKANSKA/CIPCE

- Taking into account that the final report published by the Investment Committee of the OECD unquestionably shows that the Specific Instance SKANSKA/CIPCE concluded due to a breaching in the non-disclosure agreement.
- Taking into account that the proceeding is voluntary for the multinational enterprise and that the Argentinean National Contact Point is only entitled to ‘bring the parties closer’, to ‘mediate’ only if both parties are willing to engage in the proceeding.
- Taking into account that from the moment SKANSKA considered that there had been a breaching in the non-disclosure agreement, the enterprise became reluctant to continue with the proceeding. (To conclude a proceeding or to maintain its continuity is a formal procedure in which the ANCP just reflects – without expressing any opinion- the willingness of one of the parties, but the ANCP IS NOT ENTITLED to ‘bind’ an enterprise to ‘sit’ in the ‘Good Offices’ round-table if the latter believes that the other party is not acting in good faith.)
- Taking into account that the instance automatically concluded because SKANSKA abandoned the ‘Good Offices’ round-table (*Note Skanska, September 26th*, 2008, page n° 141-144), a fact informed by the ANCP to CIPCE and the Investment Committee of the OECD (*pag. 6, Document DAF/INV/NCP/RD(2009)1, 27 of May of 2009*)
- Taking into account that the OECD document reflects the existence of a note submitted by CIPCE (May 22th, 2009) -after the enterprise’s withdrawal from the instance, informed to CIPCE in due time- containing alleged new, additional elements for the specific instance that required further analysis from the ANCP (This was a new circumstance that was neither foreseen by the members of the ANCP nor included in the procedure handbook).
- Taking into account that due to the aforementioned note, the ANCP made every effort to ‘bring the parties closer’ in order that ‘an additional presentation’ to the

OECD could reflect that the parties reached an agreement, the ANCP informs the Investment Committee about the actions made after May, 27th, 2009.