



Ministerio de Relaciones Exteriores y Culto  
**República Argentina**



PUNTO NACIONAL DE CONTACTO  
ARGENTINO PARA LA OCDE

# Informe Anual del Punto Nacional de Contacto Argentino (PNCA)

Julio 2011 a Junio 2012

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# REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

## Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

*In accordance with Section D of the Procedural Guidance[as revised by C(2011)11/FINAL]<sup>1</sup>, NCPs must report annually to the Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances, to the Investment Committee.*

*This Common Reporting Framework is designed to assist NCPs in preparing these reports, which then provide the basis for preparing the Chair's Annual Report to Council on the Activities on the NCPs. The 2012 Annual Report will be the first to report on how NCPs have carried out their duties during the first year of operation of the 2011 updated Guidelines, which were adopted at the OECD Ministerial Meeting of 25-26 May 2011.*

*The questions of the Reporting Framework have been developed in consultation with the Chair of the June 2012 NCP meeting, taking into account the results of the Update. In view of the informal OECD six months period for the implementation of the new provisions and the non retroactive application of the revised Guidelines, it is acknowledged that NCPs might not be in a position to answer all the questions contained in the Reporting Framework, particularly for specific instances received prior to the adoption of the updated Guidelines.*

*The 2012 Chair's Annual Report will be discussed at the next NCP meeting which is scheduled to take place on **Tuesday 19 June and Wednesday 20 June 2012**. The Chair of the Norwegian NCP, **Professor Hans Petter Graver**, Dean of the Faculty of Law, University of Oslo, has kindly agreed to preside over this meeting.*

*Timely submission of NCPs annual reports will be essential for the preparation of this meeting. NCPs are therefore invited to send these reports to the Secretariat by **c.o.b. Friday, 4 May 2012** [[alberta.fumo@oecd.org](mailto:alberta.fumo@oecd.org); and [wendy.houet@oecd.org](mailto:wendy.houet@oecd.org)].*

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<sup>1</sup> See <http://www.oecd.org/dataoecd/53/59/49744860.pdf> comparing the changes made during the 2011 Update to the 2000 text of the OECD Guidelines for Multinational Enterprises.

## Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

The role of National Contact Points is to further the effectiveness of the Guidelines. Under Part I of the Procedural Guidance, “NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.” These criteria apply to all the activities carried by NCPs, including those to be reported under the current implementation cycle of the Guidelines.

### A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

**Please complete with relevant information and contact details.** Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Foreign Affairs	Monopartite	OECD Affairs Coordination Unit Coordinator	No	No	Esmeralda 1212, Room 917 1007 Buenos Aires, Argentina Email: <a href="mailto:oejde@mrecic.gov.ar">oejde@mrecic.gov.ar</a> +541148198124

\* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. **What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?**

OECD Guidelines recommendations, as stated in the Procedural Guidance (I. A.)

3. **Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)**

As a governmental agency, the ANCP has an effective basis at its disposal and is necessarily impartial and accountable.

4. **“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).**

**Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).**

During November 24, 2011, the ANCP organized an event at the Ministry of Foreign Affairs to promote the 2011 OECD Guidelines for Multinational Enterprises among relevant Argentine governmental agencies, trade unions, NGOs, business associations and other stakeholders. In the first part of the event, the ACNP explained the updates. Stakeholders expressed their points of view and enquired as to procedural issues.

5. **Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles for Business and Human Rights).**

As necessary and or appropriate, generally through the competent Foreign Ministry department.

6. **“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.” (Council Decision, I.4).**

**Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.**

The ANCP is funded from the general budget of the Ministry of Foreign Affairs.

## B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

<p><b>7. “The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</b></p>	
a.	<p><b>Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.</b></p>
	<p>The page is under reconstruction to accommodate the 2011 updates to the OECD Guidelines for Multinational Enterprises.</p>
b.	<p><b>Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)</b></p>
	<p>Yes. No. No. No.</p>
c.	<p><b>Has your NCP Annual Report to the OECD been made available online? If yes, in which language?</b></p>
	<p>No.</p>
d.	<p><b>Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?</b></p>
	<p>No.</p>
e.	<p><b>Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?</b></p>
	<p>No.</p>
f.	<p><b>Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.</b></p>
	<p>No.</p>

**8. “NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).**

*“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other*

<p><i>interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p><b>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</b></p>
	<p>As necessary through contacts with competent government departments and agencies and as required by relevant stakeholders and MNE.</p>
b.	<p><b>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</b></p>
	<p>During November 24, 2011, the ANCP organized an event at the Ministry of Foreign Affairs to promote the 2011 OECD Guidelines for Multinational Enterprises among relevant Argentine governmental agencies, trade unions, NGOs, business associations and other stakeholders. In the first part of the event, the ACNP explained the updates. Stakeholders expressed their points of view and enquired as to procedural issues.</p>
c.	<p><b>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</b></p>
	<p>The ANCP summoned representatives of the above mentioned institutions to a promotional event of the Guidelines and their implementation procedures.</p>
d.	<p><b>How does the NCP promote the Guidelines within Government? Please elaborate.</b></p>
	<p>The ANCP summoned government officials from different departments to a promotional event.</p>
e.	<p><b>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) organized, in matters concerning information and promotion of the Guidelines and their implementation?</b></p> <p><b>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</b></p>
	<p>In both areas, according to Government Rules and Regulations.</p>
f.	<p><b>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</b></p>
	<p>The OECD Section of the Embassy to France works with the OECD Affairs Coordination Unit Coordinator to that end. Other embassies are available for that purpose.</p>
g.	<p><b>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.</b></p>

	As necessary through the competent Foreign Ministry department.
h.	<b>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</b>
	No.

## C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is *“impartial, predictable, equitable and compatible with the Guidelines”* (in addition to the *“core criteria of visibility, accessibility, transparency and accountability”* listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

### General Information on NCP Procedures

**9. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. ((Procedural Guidance, Commentary, I.15)**

a.	<b>Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?</b>
	No. N/A. No. Upon request.
b.	<b>Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged ? In next year’s implementation phase of the Guidelines?</b>
	N/A

### Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.



<b>10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.</b>		
<i>Sector and Country</i>	Mining Sector in Argentina	
<i>Date complaint received</i>	09/06/2011	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	
<i>Industry sector<sup>2</sup></i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Barrick Exploraciones Argentina, SA and Minera Argentina Gold, SA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter I «Concepts and Principles», Chapter II «General Policies», Chapter III «Disclosure», Chapter IV «Human Rights» and Chapter VI «Environment».	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 9/06/2011 to present date  (Under assessment) (Note: On 07/12/2011 the NGO included new information) <b>*From specific instance received to it being accepted or rejected.</b>	<i>Assistance to Parties*</i>  -  <b>*From specific instance accepted to conclusion of the procedures –</b>	<i>Conclusion of the procedures*</i>  -  <b>* From Conclusion of the procedures to NCP Final Statement issued.</b>

<sup>2</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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<b>11. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.</b>		
<i>Sector and Country</i>	Mining Sector in Argentina	
<i>Date complaint received</i>	15/09/2011	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	Center for Human Rights and Environment (CEDHA)	
<i>Industry sector<sup>3</sup></i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Xstrata Copper Argentina	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II «General Policies»: paragraphs 1, 6 and 7 ; Chapter III «Disclosure» : paragraphs 1, 2, 4 y 5; Chapter VI «Environment» : paragraphs 1, 3, 4, 5, 6 y 8.	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i>	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i>
From 15/09/2011 to 25/10/2011	From 25/10/2011 to present date	-

<sup>3</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p>(Accepted)</p> <p><b>*From specific instance received to it being accepted or rejected.</b></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p>(As of 21/11/2011 the Enterprise suspended its participation until finalization of its environmental impact report, while the NGO proposed a Due Diligence protocol on Mining Activities)</p> <p><b>*From specific instance accepted to conclusion of the procedures –</b></p>	<p><b>* From Conclusion of the procedures to NCP Final Statement issued.</b></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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<p><b>12. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.</b></p>		
<i>Sector and Country</i>	Industrial Services Sector in Argentina	
<i>Date complaint received</i>	17/03/2011	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	Asociación Civil por la Igualdad y la Justicia (ACIJ)	
<i>Industry sector<sup>4</sup></i>	Public administration and defence (L)	
<i>Name of Enterprise/s</i>	MAN Ferrostaal Argentina S.A.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	2000 OECD Guidelines. Chapter II «General Policies»: paragraphs 5 and 6; Chapter VI «Combating Bribery» : paragraphs 1, 2, 3, 5 and 6.	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<i>Initial Assessment*</i>	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i>

<sup>4</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p>From 17/03/2011 to 16/05/2011 (Accepted) <b>*From specific instance received to it being accepted or rejected.</b></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p>From 17/03/2011 to present date (pending) <b>*From specific instance accepted to conclusion of the procedures –</b></p>	<p>-</p> <p><b>* From Conclusion of the procedures to NCP Final Statement issued.</b></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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<p><b>13. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.</b></p>	
<i>Sector and Country</i>	Oil Sector in Argentina
<i>Date complaint received</i>	28/05/2008
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO) and Amigos de la Tierra
<i>Industry sector<sup>5</sup></i>	Unidentified category
<i>Name of Enterprise/s</i>	SHELL C.A.P.S.A.
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	2000 OECD Guidelines. Chapter II «General Policies; Chapter III «Disclosure» and Chapter V «Environment».
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>	

<sup>5</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p><b>Initial Assessment*</b></p> <p>From 28/05/2008 to 10/09/2008 (Accepted)</p> <p><b>*From specific instance received to it being accepted or rejected.</b></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><b>Assistance to Parties*</b></p> <p>From 10/09/2008 to date. ( On 19/02/2009 the parties agreed to await a decision in a related judicial instance)</p> <p><b>*From specific instance accepted to conclusion of the procedures –</b></p>	<p><b>Conclusion of the procedures*</b></p> <p>-</p> <p><b>* From Conclusion of the procedures to NCP Final Statement issued.</b></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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**14. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.**

<b>Sector and Country</b>	Financial Sector in Argentina
<b>Date complaint received</b>	04/07/2011
<b>Complainant/s</b>	NGO
<b>Name of Complainant/s</b>	Asociación Civil por la Igualdad y la Justicia (ACIJ)
<b>Industry sector<sup>6</sup></b>	Financial intermediation (J)
<b>Name of Enterprise/s</b>	BNP PARIBAS
<b>Relevant Chapter(s) and Paragraph(s) from Guidelines</b>	2000 OECD Guidelines. Chapter II «General Policies», Chapter Chapter III «Disclosure» and Chapter V «Environment».

*As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance,*

<sup>6</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<i>Commentary, 41)</i>		
<p><i>Initial Assessment*</i></p> <p>From 04/07/2011 to present date</p> <p>(Under assessment)</p> <p><b>*From specific instance received to it being accepted or rejected.</b></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i></p> <p>-</p> <p><b>*From specific instance accepted to conclusion of the procedures –</b></p>	<p><i>Conclusion of the procedures*</i></p> <p>-</p> <p><b>* From Conclusion of the procedures to NCP Final Statement issued.</b></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

**15. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) ,the following template for each specific instance received, under consideration or concluded in the reporting period.**

<i>Sector and Country</i>	Communications and Technology Sector in Argentina	
<i>Date complaint received</i>	13/12/2011	
<i>Complainant/s</i>	Trade Union	
<i>Name of Complainant/s</i>	Central de Trabajadores de la Tecnología y la Comunicación (CEPETEL)	
<i>Industry sector<sup>7</sup></i>	Communication and Technology industry	
<i>Name of Enterprise/s</i>	TELECOM Argentina, SA	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	2000 OECD Guidelines. Chapter II «General Policies», paragraph 2 ; Chapter Chapter III «Disclosure», paragraph 4 subitem f); and Chapter IV «Employment and Industrial relations», Paragraph 1, subitem a), Paragraph 2 subitem a) and b) and Paragraph 8..	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i>	<i>Assistance to Parties*</i>	<i>Conclusion of the procedures*</i>

<sup>7</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

<p>From 13/12/2011 to present date (Under assessment) <b>*From specific instance received to it being accepted or rejected.</b></p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p>-</p> <p><b>*From specific instance accepted to conclusion of the procedures –</b></p>	<p>-</p> <p><b>* From Conclusion of the procedures to NCP Final Statement issued.</b></p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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**16. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.**

*ANCP NOTE: as all instances supra are open, question 16 is not answered for reasons of confidentiality.*

<b><i>A. Initial Assessment</i></b>	
<b>a.</b>	<p><b>What practical issues arose during the initial assessment of the specific instance?</b></p> <p><b>How was the information on the specific instances gathered?</b></p> <p><b>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</b></p>
<b>b.</b>	<p><b>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</b></p>
<b>c.</b>	<p><b>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</b></p>
<b>d.</b>	<p><b>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</b></p>

<b><i>B. Assistance to the parties</i></b>	
<b>a.</b>	<b>If conciliation or mediation was provided, were these services provided without costs to the parties?</b>
<b>b.</b>	<b>In what form has the NCP provided its good offices?</b>

<b><i>C. Conclusion of the procedures</i></b>	
<b>a.</b>	<b>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</b>
<b>b.</b>	<b>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?</b>
<b>c.</b>	<b>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate</b>
<b>d.</b>	<b>Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</b>
<b>e.</b>	<b>How was the statement made publicly available? Through a press release, publication on the website,..?</b>
<b>f.</b>	<b>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)</b>
<b>g.</b>	<b>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</b>

<b><i>D. NCP coordination</i></b>
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a.	<b>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</b>
b.	<b>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</b>
c.	<b>Was a leader NCP identified?</b>
d.	<b>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</b>

<i>E. Timeframe</i>	
a.	<b>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</b>

<i>F. Other</i>	
a.	<b>Has the specific instance involved business activities in a non-adhering country?</b>
b.	<b>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</b>
c.	<b>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</b>
d.	<b>Would the NCP care to contribute additional information about the specific instances considered?</b>

**D. OTHER IMPLEMENTATION ISSUES**

<b>17. Proactive Agenda - <i>In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).</b>	
a.	<b>Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?</b>
	No.
b.	<b>What proactive agenda issues deserve particular attention in your country?</b>

<b>18. Peer Learning - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).</b>	
a.	<b>Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.</b>
	No.
b.	<b>Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?</b>

<b>19. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?</b>	
	No.

<b>20. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.</b>	

**E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS**

*N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.*

**Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas<sup>8</sup>**

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	N/A
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
	N/A
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders professional associations, financial institutions, and civil society organisations?
	N/A

**OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones<sup>9</sup>**

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
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<sup>8</sup> <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

<sup>9</sup> <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

	N/A
5.	<b>Do you have information about the use of this instrument by investors in Weak Governance Zones?</b>
	N/A

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

<b>Australia</b>	<b>Export credit and investment promotion</b>	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 Austrade websites.
<b>Austria</b>	<b>Export credits</b>	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.
<b>Belgium</b>	<b>Export credit and investment guarantees</b>	The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.
<b>Canada</b>	<b>Export Credits</b>	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.
<b>Chile</b>	<b>Investment promotion</b>	The Foreign Investment Committee is the agency which promotes Chile as an attractive destination for foreign investment and international business.
<b>Czech Republic</b>	<b>Investment promotion</b>	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 co-operates closely with Czech Invest.
<b>Denmark</b>	<b>Export credits</b>	When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the OECD Guidelines and encourages exporters to act in accordance with the OECD Guidelines.
<b>Egypt</b>	<b>Investment promotion</b>	The General Authority for Investment and Free Zones (GAFI) is the Egyptian investment promotion agency. GAFI was under the Ministry of Investment but in March 2011 it became under the supervision of the Cabinet directly. ENCP maintains a close ties with GAFI. Through GAFI ENCP and the Guidelines brochures are distributed.
<b>Estonia</b>	<b>Investment promotion</b>	The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.
<b>Finland</b>	<b>Export credit guarantees and investment insurance</b>	Finland's Export Credit Agency, Finnvera, calls the attention of guarantee applicants to the Guidelines through its web pages and CSR report.

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	Companies applying for investment guarantees are referred to the Guidelines directly by the application form. In the application process, they have to confirm awareness of this reference by signature. The reference also provides a link to further information on the Guidelines.
Greece	Investment promotion	The <i>Guidelines</i> are available on the portal <a href="http://www.mnec.gr">www.mnec.gr</a> as well as on the websites of the Ministry of Foreign Affairs ( <a href="http://www.agora.gr">www.agora.gr</a> ), the Invest in Greece Agency ( <a href="http://www.investingreece.gov.gr">www.investingreece.gov.gr</a> ), the General Secretariat of Consumers Affairs ( <a href="http://www.efpolis.gr">http://www.efpolis.gr</a> ), and the Export Credit Insurance Organization (ECIO) ( <a href="http://www.oaep.gr">www.oaep.gr</a> ).
Hungary	Investment promotion	The site of Investment and Trade Development Agency has links to the Ministry for National Economy, EXIMBANK, MEHIB, and other ministries where important OECD documents on bribery, anti-corruption, and export credits are available. Cross links support the quick search for relevant OECD documents.
Israel	"Invest in Israel" - Investment Promotion Center	The site of Israel's Investment Promotion Centre has a direct link to the Israeli NCP web site where the OECD Guidelines are available electronically. The NCP works in close cooperation with the Investment Promotion Center
Italy	Export credits	<p>The Italian NCP works closely with SACE (the Italian Agency in charge of insuring export credit) and contributes to its activities. SACE published the Guidelines on its website and introduced the acknowledgment declaration of companies on the Guidelines in its procedures.</p> <p>The Italian NCP also involved in its activities ICE (National Institute for the promotion of export), SIMEST (Financial Company for export support), and Invitalia (Inward Investment Agency). These organisations are disseminating the Guidelines among enterprises and publishing them on their websites.</p> <p>Together with the Guidelines they are promoting the risk-awareness tool in conflict areas.</p>
Japan	Trade-investment promotion	The Guidelines (basic texts and Japanese translation) are available on the websites of the Ministry of Foreign Affairs (MOFA); Ministry of Health, Labour and Welfare (MHLW); and the Ministry of Economy, Trade and Industry (METI). The Japan External Trade Organization (JETRO) website, the ASEAN-Japan Centre website and the Nippon Export and Investment Insurance (NEXI) website are also linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion.
Korea	Trade-investment promotion	OECD Guidelines can be found at the MKE (Ministry of Knowledge Economy) website ( <a href="http://www.mke.go.kr">www.mke.go.kr</a> ). MKE promotes trade and investment.

Lithuania	Investment promotion	<p>“Invest Lithuania” Agency (<a href="http://www.businesslithuania.com">http://www.businesslithuania.com</a>) operates in the Republic of Lithuania and 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 NCP (at the Ministry of Economy) co-operates closely with the “Invest Lithuania” Agency. Investment Promotion Programme for the period of 2008-2013 was adopted by the Government on 19<sup>th</sup> of December 2007. The goal of the programme is to improve investment environment in Lithuania in general and to establish an efficient system for the promotion of direct investment, focusing on long term development of economy and the prosperity of the society. Whole text of the Investment promotion Programme can be found at the web page of the Ministry of Economy:</p> <p><a href="http://www.ukmin.lt/en/investment/invest-promotion/index.php">http://www.ukmin.lt/en/investment/invest-promotion/index.php</a></p>
Mexico	Investment Promotion	<p>The Mexican NCP is located within the Directorate General for Foreign Investment in the Ministry of Economy, which is responsible for Mexico’s participation in the Investment Committee as well as in different international organisations, among other activities. The guidelines can be found on the website. Mexico’s investment promotion agency - PROMEXICO - works in close co-operation with this Department.</p>
Netherlands	Export credits and investment guarantees	<p>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. Applicants for the PSI programme have to prepare a CSR policy plan based on the OECD Guidelines (<a href="http://www.oesorichtlijnen.nl/aan-de-slag/maak-mvo-beleid/">http://www.oesorichtlijnen.nl/aan-de-slag/maak-mvo-beleid/</a>).</p>
New Zealand	Export Credit promotion	<p>New Zealand’s Export Credit Office (ECO) mentions the OECD MNE Guidelines on its website. The ECO also provides a link to both the OECD Guidelines and the New Zealand NCP’s website.</p>
Norway	Guarantee Institute for Export Credits (GIEK)	<p>GIEK has developed its own social responsibility policy which is posted on its website. For more information please see:</p> <p><a href="http://www.giek.no/giek_en/default.asp?menu=610&amp;page=277&amp;cells=0">http://www.giek.no/giek_en/default.asp?menu=610&amp;page=277&amp;cells=0</a></p>
Peru	Investment Promotion	<p>The Peruvian NCP is located in the Investment Promotion Agency-PROINVERSION, which provides information and guidance services to foreign investors on the Peruvian business environment including information of the OECD Guidelines and the NCP tasks.</p>
Poland	Investment promotion	<p>The Polish NCP is located in the investment promotion agency (PAiIZ). The Polish Information and Foreign Investment Agency helps investors to enter the Polish market and find the best ways to utilise the possibilities available to them. It guides investors through all the essential administrative and legal procedures that involve a project; it also supports firms that are already active in Poland. PAiIZ provides rapid access to the complex information relating to legal and business matters regarding investments, helps in finding the appropriate partners and suppliers, together with new locations.</p>

Portugal	Exports and Investment Promotion	AICEP – Portugal Global is a Business Development Agency responsible for the promotion of exports, the internationalisation of Portuguese companies, especially SMEs and for inbound foreign investment. The Guidelines are part of the information given to all companies.
Romania	Romanian Agency for Foreign Investments (ARIS)	<p>The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The RNCP’s webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines (basic texts) are available electronically on the sites of the MFA (<a href="http://www.mae.ro">www.mae.ro</a>) and the Romanian Agency for Foreign Investments (ARIS) (<a href="http://www.arisinvest.ro">www.arisinvest.ro</a>). The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language. Other useful documents posted on the RNCP’s web page include:</p> <ul style="list-style-type: none"> <li>• Policy framework for Investment;</li> <li>• OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.</li> </ul> <p>Romanian Agency for Foreign Investment edited, among other specific promotional materials, the brochure entitled “Frequently Asked Questions - An Overview”, including a separate chapter on Romanian National Contact Point and OECD Guidelines for Multinational Enterprises.</p>
Slovenia	Promotion and awareness of OECD Guidelines	<p>The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the OECD Guidelines for Multinational Enterprises is already a part of Slovenian policies Slovenia NCP promoted the OECD Guidelines through preparation of speeches.</p> <p>Foreign investors which apply for public tender declare that the recipient of the co-financing will abide by the OECD Guidelines for Multinational Enterprises and the principles laid down in the Declaration on International Investments and Multinational Enterprises.</p>
Slovak Republic	Investment promotion	NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in Slovak language at Ministry’s webpage. The Ministry of Economy is funding and supervising 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 guarantees	CESCE (Export Credit Agency) that manages investment guarantees, COFIDES (Corporation for Development Finance) provide Guidelines brochures to applicants for support and investment guarantees.
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 insurance	The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism ( <a href="http://www.serv-ch.com">www.serv-ch.com</a> ).



<b>Turkey</b>	<b>FDI</b>	<b>The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for investment policy making. The Treasury's website provides information on the Guidelines.</b>
<b>United Kingdom</b>	<b>Export credits and investment insurance</b>	<b>The Export Credits Guarantee Department's (ECGD) website contains links to the website of the UK National Contact Point.</b>
<b>United States</b>	<b>Export and import credits and investment guarantees</b>	<b>The Export-Import Bank of the United States provides information on the Guidelines to applicants for their programmes in support of U.S. business activities abroad.</b>