

Procedures Manual for Specific Instances of the Argentine National Contact Point for Responsible Business Conduct - effective as of June 8 from 2023

Title I - Of the Argentine National Contact Point for Responsible Business Conduct.

Article 1: THE ARGENTINE NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT, hereinafter the ANCP, will be conducted in accordance with this Procedures Manual, effective as of June 8, 2023, and with the Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023 Edition). In the event of a divergence of interpretation between this Procedures Manual and the Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the latter shall prevail.

The functions of the ANCP are to promote the validity of the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct, hereinafter the *Guidelines*, and to contribute to the resolution of issues related to the implementation of the *Guidelines*.

The Guidelines are recommendations jointly addressed by governments to multinational enterprises. They provide principles and standards of good practices in accordance with applicable legal provisions and other internationally recognized standards. Compliance with the *Guidelines* by companies is voluntary and not legally binding. However, some topics addressed in the *Guidelines* may also be subject to national laws or international commitments. The *Guidelines* do not replace any national legislation or regulation nor should they be construed to override them.

The ANCP is in charge of receiving complaints for alleged non-compliance with the *Guidelines*, hereinafter a *claim*, and, in the event that the ANCP considers that a matter that has been raised deserves further consideration, proceed to the opening of a specific instance and offer its good offices to resolve it.

Article 2: The ANCP may, if it deems it pertinent, consult with public bodies, taking into account their competencies and technical contribution, in order to obtain advice based on the matter involved in the specific instance.

Article 3: The communications that under any concept emanate from the ANCP may be done indistinctly in paper or digital format (via emails), having the communications in both formats equal value.

Title II - Of the Procedure of specific instance relative to the cases or complaints about the alleged breach of the Guidelines by a company.

Section I

Filling of the complaint

Article 4: When questions arise regarding the implementation of the Guidelines, and a human or legal person allege an alleged breach of the Guidelines by a company,

henceforth the *breach*, the said person may submit to the ANCP the request to open a specific instance.

Article 5: The aforementioned presentation must comply with the following requirements or formalities:

- a) It will be formalized in writing, in Spanish or English indistinctly. In the case of human persons, they must specify the full name. In the case of legal persons, they must specify the name or business name and prove their legal status and representation. The presentation will include, for the purposes of the procedure, the establishment of a domicile for notifications, which will include a postal address and a digital address (email), considering it valid and sufficient for all purposes all the notifications carried out in them. Any modification or change of the postal or electronic address must be informed to the ANCP, otherwise, the communications made in the reported addresses in the presentation, or at the last address reported to the ANCP, will be have for valid. Likewise, at least one contact telephone number must be indicated in the presentation.
- b) It must contain a detailed description of the conduct that would constitute the alleged breach of the Guidelines by the company. In the event that there are documents that support the claim presented, they will be included as annexes. The relationship between the facts and the alleged action or omission must be clearly indicated.
- c) It must contain an indication of how it considers that the alleged breach of the Guidelines affect, even potentially, the complaining party.
- d) The standards of the Guidelines alleged that have been or are being breached by the action or omission of a company will be indicated and listed as comprehensively as possible.
- e) It will include in detail what is expected to be obtained as a result of the specific instance. In this regard, it must be taken into account the voluntary nature of the agreement of the company to participate in the procedure; that the ANCP does not have the authority to oblige the multinational enterprise to do or fail to do something about the alleged breach of the Guidelines; and the role of facilitator of eventual mutually satisfactory solutions that characterizes the exercise of good offices of the ANCP, should this function be accepted by both parties.
- f) The presentation must state the steps taken previously before the Multinational Enterprise to reach agreements and the results thereof.
- g) The existence and status of parallel procedures, both judicial and non-judicial, being carried out with respect to the same topics of the claim presented will be reported.
- h) It should be directed to the Argentine National Contact Point (ANCP) for Responsible Business Conduct, Office 907, and should be submitted at the Reception Desk of the Ministry of Foreign Affairs, International Trade and Worship, located in Esmeralda

1212, basement, (1007) Autonomous City of Buenos Aires, Argentine Republic, or either be sent via certified mail to said address or by email to the address pncargentino-ocde@mrecic.gov.ar.

Article 6: The ANCP may request clarifications or more information from the party that has submitted the request to open a specific instance.

Article 7: Applications for the opening of specific instances will not be admitted in the following cases:

- a) If they do not comply with all the requirements or formalities of Article 6.
- b) If from the information provided and from the available elements do not emerge, in the opinion of the ANCP, a clear relationship between the facts described and the principles and statements contained in the Guidelines
- c) If they correspond to a question on which the ANCP has already issued a statement or report referred to the same parties (claimant and claimed) and, in the opinion of the ANCP, the question presented is not substantially different from the one on which it has already issued the said statement or report.

Section II: Initial Assessment

Article 8: Once the request to open a specific instance has been admitted, as required under Articles 5 and 6, the ANCP may request clarifications or further information from the complaining party, and may call a meeting with one or both parties involved in order to gather more information on the nature and scope of the claim, with the objective to better pronounce on this Initial Assessment. In its Initial Assessment, the ANCP may also consult with other National Contact Point (s) of countries adherents to the Guidelines in order to:

- a) Request advice from another NCP in relation to the request to open the specific instance.
- b) Involve another NCP in the procedure related to the request to open a specific instance, either as leading NCP or as supporting NCP, as agreed by the respective NCP.
- c) Transfer the claim to another NCP if deemed appropriate and with the agreement of the other NCP.

Article 9: On the basis of the information and background documents submitted, as well as all other information available to it, the ANCP will conduct the Initial Assessment to determine if the question that may have been raised deserves further consideration, trying to do so within a maximum of ninety (90) days from the date of receipt by the ANCP of the request to open a specific instance. In said Initial Evaluation, the ANCP must establish whether the question is in good faith and if it is in relation to the Guidelines. In this context, the ANCP will consider the following:

- a. - the identity of the party concerned and its interest in the matter.

- b. - whether the issue is material and substantiated.
- c. - whether there seems to be a link between the enterprise's activities and the issue raised in the specific instance.
- d. - the extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the *Guidelines*; and if it would not create serious prejudice for either of the parties involved in these other proceedings or cause a contempt of court situation.
- e. - how similar issues have been, or are being, treated in other domestic or international proceedings.
- f. - whether the consideration of the specific issue would contribute to the purposes and effectiveness of the *Guidelines*.

Article 10: As a result of the initial assessment, the ANCP may choose one of the following courses of action:

- a) Decide that the issue does not deserve further consideration, in which case it will inform the parties the reasons on which its decision is based.
- b) Decide that all or some of the issues raised deserve further consideration. This Decision will be notified by the ANCP to the parties, trying to do so within the term of thirty (30) days from the date of adoption of the corresponding decision by the ANCP. In that case, the ANCP will discuss the matter in greater depth with the parties involved and offer its good offices in an effort to contribute to the resolution of the issues. In the event that the ANCP determines that the consideration of certain issues raised could contribute to the purposes and effectiveness of the Guidelines and that the consideration of other issues raised do not contribute in that regard, it can accept partially the specific instance.

Article 11: If the ANCP decides that all or some questions raised deserve greater consideration, it may bring this decision, at its discretion, to the knowledge of the public bodies that in its opinion are considered pertinent, depending on the subjects involved in the specific instance. In this case, it may briefly mention the substantive aspects of the claim, specifying who are the parties involved, claimant and claimed.

Section III. Processing of the Specific Instance

Article 12: Once the ANCP has decided that all or some of the issues raised deserve further consideration, amendments to the opening request of a specific instance will not be accepted.

Article 13: The ANCP may summon the company to a meeting, or virtual communication, as agreed, in which it will be able to offer its good offices to help resolve what possible, in a consensual manner, on the point (s) that make the request for the opening of a specific instance.

Article 14: The company will have the possibility to make its discharge in writing about the alleged breaches of the Guidelines that are part of the claim, referring to those issues that the ANCP has decided that deserve further consideration. Because of the non-

binding nature of the specific instance, the company may decide to accept or reject the good offices of the ANCP within the following sixty (60) days after the receipt of the notification mentioned in Article 10. b).

Article 15: Both the company and the complaining party may request one or more meetings with the ANCP to expand information on the substantiation of the specific instance. In the same way, the parties may be summoned by the ANCP in order to collect additional information without this implying altering the substantive issues of the claim, referring to those issues that the ANCP has decided deserve further consideration.

Article 16: The ANCP will give the complaining party a copy of all the information sent by the company, and vice versa, with the exception of the one that the other party has indicated that it has confidential nature, always giving them the right to respond to submissions, provided this does not imply an excessive delay in the substantiation of the specific instance.

In the event that new events occur during the specific instance, the ANCP will consult with the parties if they substantively alter the initial presentation of the claim. If this fact is verified, the ANCP will analyze together with the parties the relevance or not to accommodate them and their impact on the specific instance in process for the purposes of determining the most appropriate course of action taking into account the problem under analysis.

Article 17: The ANCP will endeavor to conclude the procedures within twelve (12) months from the date of receipt by the ANCP of the request to open a specific instance. However, if there are exceptional circumstances that are beyond the control of the ANCP or unforeseen events, an extension of the period for a similar one or for one agreed by the parties will be considered.

Article 18: Once the maximum period indicated in Article 17 has been exceeded, without the parties having jointly requested an extension of it and not having reached an agreement between them, the ANCP will declare the specific instance concluded, within 30 days after the occurrence of such event.

Article 19: The ANCP will take all the steps it deems necessary to ensure that the company accepts its offer of good offices and agrees to enter into a dialogue with the complaining party. If, despite the efforts made by the ANCP and after the term of sixty (60) days after the ANCP has decided that all or some of the issues raised deserve further consideration, the company does not accept the good offices proposed by the ANCP, it will conclude the specific instance and proceed to the drafting of a statement, which will be reported to the corresponding subsidiary body of the OECD.

Article 20: In order to comply with the deadlines set for the processing of the procedure of the specific instance, the ANCP will try to fill out as quickly as possible all the procedures that are under its responsibility. The parties must provide timely information necessary to comply with the timetable for the resolution of the specific

instance. The parties' lack of compliance or response to the ANCP's requests will not impede its pronouncement based on the information at its disposal.

Article 21: Any final agreement between the parties must be reliably informed to the ANCP.

Article 22: The ANCP will explain to the parties that compliance with the agreements by them achieved within the framework of the good offices of the ANCP will depend on them, without prejudice of being able to monitor them, at the request of both parties or by decision of the ANCP.

Article 23: The ANCP will announce the final results of the procedure of specific instance (taking into account the need to protect information considered sensitive by some of the parties or by the ANCP) in the form of a final statement, depending on the case, which will follow the following formats:

- a) When the NCP decides that the issues raised do not warrant further examination. The statement should at a minimum describe the issues raised, the parties' respective positions as appropriate, the steps taken by the NCP in considering the submission and parties' engagement in the proceedings, and the reasons for the NCP's decision
- b) When no agreement is reached or when a party is unwilling to participate in the proceedings. This statement should at a minimum describe the issues raised, the parties' respective positions as appropriate, the reasons why the NCP decided that the issues raised warranted further examination and the steps taken by the NCP in assisting the parties, including information on parties' engagement in the proceedings. The NCP should also include recommendations on the implementation of the Guidelines where relevant. Where appropriate, the statement could also include the reasons why an agreement could not be reached. If allowed by applicable law and the NCP's case-handling procedures, the NCP may, at its own discretion, set out its views in its final statement on whether the enterprise observed the Guidelines
- c) When the parties have reached agreement on the issues raised. The statement should at a minimum describe the issues raised, the parties' respective positions as appropriate, the steps taken by the NCP in assisting the parties and when agreement was reached. Information on the content of the agreement will only be included insofar as the parties involved agree thereto. The NCP may also include recommendations on the implementation of the Guidelines in its statements when an agreement has been reached, as appropriate

Article 24: The ANCP must issue its statement or report, signed by its members, within sixty (60) days after the conclusion of the procedure of specific instance. Both in the statement and in the report, the ANCP may, at its discretion, formulate recommendations. The statement and the report will be published on the ANCP website and will be sent to the corresponding subsidiary body of the OECD. Likewise, the statement and the report will be included in ANCP's annual report to the OECD Investment Committee.

Article 25: Engage in follow-up where relevant once the Specific Instance has closed, on the implementation of recommendations or, if any, the agreement reached by the

parties. The NCP should publish a follow up statement. Any follow up that the NCP intends to undertake should also be referred to in the final statement, including deadlines to do so.

Section IV: Confidentiality

Article 26: The ANCP may take measures in order to protect the identity of the parties involved in the specific instance when there are strong reasons to believe that the disclosure of this information could be detrimental to one or more of the parties. This could include circumstances where there is a need not to reveal the identity of a party or parties to the company involved.