



OECD Guidelines for Multinational Enterprises

Annual report on the activity of National Contact Points for Responsible Business Conduct 2022



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Executive summary

National Contact Points for Responsible Business Conduct (NCPs for RBC) are agencies established by governments. To further the implementation of the guidelines, their mandate is twofold: to promote the OECD Guidelines for Multinational Enterprises, and related due diligence guidance, and to handle cases (referred to as “specific instances”) as a non-judicial grievance mechanism. All 51 governments adhering to the OECD Guidelines have the legal obligation to set up an NCP. Today, NCPs make up a network and a community of practitioners, dealing with a wide array of impacts involving companies either through their operations or their supply chains. NCPs report annually to the OECD, and this report compiles and analyses the key data reported by NCPs regarding their activities in 2022.

For NCPs, 2022 has been a significant year. NCPs resumed peer learning and capacity-building activities in person in earnest after a two-year near complete virtual break due to the Covid-19 pandemic, complemented by the Third Action Plan to Strengthen NCPs (2022-2024) for which 2022 was the inaugural year. These initiatives centred on crucial facets of the NCP role, such as stakeholder confidence, visibility, better handling of specific instances, and improved access to expertise. The year 2022 also saw an acceleration in NCP peer reviews, as the expiration of the commitment made at the 2017 Ministerial Council Meeting to have all NCPs peer reviewed by 2023 is approaching.

The year 2022 was mixed as regards the activity of NCPs as non-judicial grievance mechanisms. The 41 cases received in 2022 is a lower number than the annual submission figures observed in the NCP Network in previous years, with 48 cases in 2021 and 58 cases in 2020. Although the 41 submissions indicate a decline compared to recent years, it remains slightly higher than the average number of cases received since 2011, which is 38. Likewise, 19 NCPs received specific instances, representing 39% of reporting NCPs, which is a decrease compared to 2021 (50%) and 2020 (45%). The Austrian NCP received its first specific instance since 2014. The NCP of Kazakhstan received four specific instances in 2022, following extensive reforms of the NCP in 2021, and having received its first specific instance in mid-2021. A few other NCPs also continued a trend of no activity in this respect: as of the end of 2022, the NCPs of Mexico and Portugal had not received a specific instance in the last five years, and the NCPs of Bulgaria, Costa Rica, Croatia, Egypt, Greece, Iceland, Jordan, Romania, Slovak Republic, Tunisia, Ukraine, and Uruguay had never received a specific instance.¹

To focus on submitters, as was the case in 2021, individuals and NGOs were again the primary submitters with 26% of submissions each, followed by trade unions at 17%. 2022 marks the third consecutive year where individuals made the most submissions to NCPs.

Additionally, a total of 17 NCPs closed 41 specific instances² while 19 NCPs were presented with 41 new specific instances. The Human Rights (Chapter IV) was the most referenced chapter in specific instances received in 2022. It is worthy of note that 14 specific instances (34%) closed in 2022 were not accepted

¹ The NCPs of Bulgaria, Croatia, Ukraine, and Uruguay are the newest members of the NCP Network, having been established within the last ten years.

² For an overview of terminology used in relation to status of cases, see Box 2.2

for further examination. This represents a fourth consecutive year with a stable or decreasing rate of cases not accepted, down from 37% in 2021 and 2020, and down from 46% and 50% in 2019 and 2018, respectively, thereby representing an improvement in the accessibility of NCPs. However, continuing a trend of previous years, individuals had a lower acceptance rate for submissions than NGOs: only 33% of the 12 cases submitted by individuals and closed in 2022 were accepted for further examination, 25% of which led to agreement.

In terms of outcomes of cases closed, in 2022, there was a continuation of the trend towards providing more recommendations in final statements, as the percentage of recommendations included in statements of concluded cases increased to 84%, compared to 64% in 2021. This marked a return to the higher rates of recommendations seen before the decrease in 2021. The number of follow-ups conducted also saw an increase in 2022, with a total of 22 follow-ups carried out, and 60% of concluded cases including plans for follow-up actions.

In terms of institutional arrangements, the network has seen a slight increase in the number of NCPs including stakeholders in their structures, with over two-thirds of NCPs (69%), compared to 62% in 2021. NCPs have however continued to struggle with human and financial resources, continuing a concerning trend. Overall, the NCP network operated with fewer staff resources in 2022 than in 2021, despite often increasing workloads. For instance, 16 NCPs (33%) had less than 1 full time-equivalent staff. Shortage of staff and excessive turnover have long been identified as one of the biggest challenges for NCPs affecting efficiency and institutional memory. Indeed, in 2022, 70% of NCPs reported some form of staff turnover (loss and/or gain of full- or part-time staff), and in 2022 the NCP Network relied on a staff where 1/3rd of the members had joined the NCP function during that year.

Regarding promotional activities, in 2022, a total of 35 National Contact Points (NCPs) organised or co-organised 210 events. This represents a significant increase of 50% compared to 2021, which had 138 events. Moreover, this marks the highest number of events organised or co-organised by NCPs since consistent data monitoring began. Additionally, 2022 set a record with the participation of 35 NCPs in event (co-) organisation. The previous year, 2021, witnessed a recovery in promotional activities compared to 2020 when NCPs faced numerous challenges due to the Covid-19 pandemic. This year not only demonstrated a recovery in terms of the number of promotional events organised, co-organised, and participated in by NCPs but also saw a decrease in the number of inactive NCPs. These trends suggest that NCPs not only rebounded from the impacts of the pandemic but also emerged stronger, possibly leveraging strategies developed to maintain functionality during challenging times, notably as the NCP network engaged in more intense peer learning around promotional activities.

In 2022, NCPs indeed focused increasingly on peer learning activities, supported by the OECD Secretariat within the framework of the third Action Plan to Strengthen NCPs (2022-2024). Following two years of virtual peer learning due to the Covid-19 pandemic, NCPs were able to resume in-person activities, concentrating on crucial topics such as enhancing visibility and stakeholder confidence, improving the handling of specific instances, and gaining better access to expertise to address the growing complexity of RBC and the NCP's role. Finally, 2022 witnessed the highest number of peer review visits per year since their inception in 2009, along with six peer reviews being discussed at the WPRBC (Working Party on Responsible Business Conduct). Currently, fifteen governments have committed to undergoing a peer review of their NCP in 2023-2024, while five governments, including three OECD members, are yet to make their commitment.

1 Introduction

Governments adhering the OECD Guidelines for Multinational Enterprises (the Guidelines)³ are required to set up a National Contact Point for Responsible Business Conduct (NCP for RBC) to further the implementation of the Guidelines.⁴ NCPs have two main functions: 1) to promote the Guidelines and handle enquiries, which means that NCPs ensure that the Guidelines and the role of the NCP are known among relevant stakeholders and across government agencies; and 2) provide a non-judicial grievance mechanism to resolve cases ("specific instances") relating to non-observance of the Guidelines by companies.⁵ The Council Recommendations relating to the due diligence guidance tools provide that NCPs should contribute to their dissemination and active use by enterprises.⁶ The Council Recommendation on the Role of Government in Promoting Responsible Business Conduct also recognises the important role of NCPs in promoting policy coherence for RBC.⁷

This unique implementation mechanism distinguishes the Guidelines from other international RBC instruments and continues to play a critical role in ensuring that commitments under the Guidelines are met. There were 50 NCPs in 51 adherent countries in 2022. There was no Greek NCP in 2022. Bulgaria became the 51st adherent in June 2022.⁸

³ The Guidelines are annexed to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)].

⁴ Decision of the Council on the OECD Guidelines for Multinational Enterprises [[OECD/LEGAL/0307](#)] (Decision on the Guidelines).

⁵ Procedural Guidance, Decision on the Guidelines.

⁶ For example, the 2018 Recommendation of the Council on the Due Diligence Guidance for Responsible Business Conduct [[OECD/LEGAL/0443](#)] recommends "that Adherents and where relevant their NCPs, with the support of the OECD Secretariat, ensure the widest possible dissemination of the Guidance and its active use by enterprises, as well as promote the use of the Guidance as a resource for stakeholders such as industry associations, trade unions, civil society organisations, multi-stakeholder initiatives, and sector-initiatives, and regularly report to the Investment Committee on any monitoring, dissemination and implementation activities."

⁷ Recommendation on the Role of Government in Promoting Responsible Business Conduct [[OECD/LEGAL/0486](#)].

⁸ Bulgaria adhered to the Guidelines on 1 June 2022. At the time of writing, all 38 OECD Member countries had adhered to the Declaration, as had 13 non-Member countries: Argentina (22 April 1997), Brazil (14 November 1997), Bulgaria (1 June 2022), Egypt (11 July 2007), Jordan (28 November 2013), Kazakhstan (22 June 2017), Morocco (23 November 2009), Peru (25 July 2008), Romania (20 April 2005), Tunisia (25 May 2012), Ukraine (10 March 2017), Croatia (17 October 2019) and Uruguay (25 February 2021).

Handling specific instances is a core pillar of the mandate of NCPs and part of what makes the Guidelines unique.⁹ By end 2022, NCPs had received over 660 specific instances in total.¹⁰ This mechanism has been part of the mandate of NCPs since the 2000 review of the Guidelines.

Following a stocktaking exercise over 2021 and 2022, 2022 saw continued work towards a targeted updated on the Guidelines to ensure they remain fit for purpose.

The year 2022 saw continued recovery from the Covid19 pandemic, with some countries still facing restrictions early in the year. In 2020 and 2021, NCPs had indicated that ongoing covid-related priorities had pull resources from the NCP agenda. An increase in promotional activity in the NCP Network in 2022, and self-reporting from the NCPs, indicated that work had largely recovered to pre-pandemic norms by the end of 2022.

The year 2022 also was the inaugural year for the Third Action Plan to Strengthen NCPs (2022-2024), which saw NCPs resume peer learning and capacity-building activities in person after two years of virtual hiatus. Such activities revolved around such important aspects of the NCP role as visibility and stakeholder confidence, better handling of specific instances and better access to expertise. 2022 also saw a large number of NCP peer reviews delivered in advance of the expiration of the 2023 commitment made at the 2017 Ministerial Council Meeting to have all NCPs peer reviewed by 2023.

This report outlines the main activities of NCPs in relation to their mandate, and generally the main developments around NCPs. This report is based essentially on annual reports by NCPs to the OECD Secretariat, and on the OECD database of specific instances. In 2022, the OECD Secretariat marked the second year of utilising an online reporting survey system, which facilitated collation and analysis of the reported data. This report continues to explore new analysis as compared to previous years, now possible due to a new reporting mechanism.

Section 2 below presents key statistics of specific instances closed and received in 2022 and discusses any related trends. Section 3 presents information on NCP structures and activities, including the analysis of trends identified or emerging in recent years. Section 4 presents the main activities conducted by NCPs to promote the Guidelines in 2022, including promoting policy coherence. Section 5 presents the main activities conducted under the new Action Plan to Strengthen NCPs (2022-2024). Annexes containing an overview of key data reported by NCPs and on key outcomes of 2022 peer reviews are included at the end of the report.

⁹ The Procedural Guidance, a part of the Decision on the Guidelines, provides that “NCP[s] will offer a forum for discussion and assist the business community, worker organisations, other non-governmental organisations, and other interested parties concerned to deal with [...] issues raised [...]” Procedural Guidance, I (C).

¹⁰ Currently 583 cases are listed on the public OECD specific instance database. The remaining specific instances have not yet been reported to the OECD for inclusion in the database as they were still in progress or recently closed.

2 Specific instances

At a glance: NCP activity in specific instances in 2022

Key numbers on specific instances closed and received in 2022 are presented in Box 2.1.

Box 2.1. Key stats of specific instances closed and submitted in 2022

- **41** specific instances were submitted
- **41** specific instances were closed
- **66%** of closed specific instances were accepted
- **63%** of accepted cases proceeded to mediation
- **36%** of concluded cases involving mediation led to agreement
- **84%** of final statements in concluded cases included recommendations
- **41%** of NCPs reported reception of a specific instance
- **26%** of submitted specific instances involve(d) a supporting NCP
- **24%** of specific instances included issues raised in non-adherent countries
- **Manufacturing** was the most referenced sector in submissions
- **Human Rights** was the most referenced chapter in submissions
- **Individuals & NGOs** were the primary submitters

Overview of specific instances handled in 2022

In 2022, **17 NCPs closed 41 specific instances and 19 NCPs received 41 new specific instances**. The number of cases received in 2022 is lower than previous submission numbers per year within the NCP Network, which saw 48 in 2021 and 58 in 2020. While 41 submissions represent a decrease compared to the last couple years, it is still slightly higher than the historical average since 2011 (38).

'Closed specific instances' refers both to concluded cases and those that are not accepted for further examination. Box 2.2 provides an overview of the terminology used to discuss the status of a specific instance. The sections below give an overview of the outcomes of closed specific instances and trends identified for the new ones.

Box 2.2. Terminology for the status of specific instances

- Specific instances **closed** during the year include both specific instances that have been concluded during the year and those that were not accepted during the year.
- Specific instances **concluded** during the year are those that the NCP found to merit further examination after the initial assessment and that have subsequently been closed. For such specific instances, the NCP will have offered its “good offices” (e.g. mediation/conciliation) to both parties.
- Specific instances **not accepted** during the year are those that the NCP found not to merit further examination, or cases that have been withdrawn prior to the completion of the initial assessment and that have therefore been closed.
- Specific instances that are **in progress** are those that are not yet closed. These include submissions received by the NCP, both those awaiting initial assessment, as well as those accepted by the NCP.
- NCPs may conduct ‘**follow-up**’ after a case has closed to assess the implementation of the recommendations issued or agreement reached.

Key outcomes of specific instances in 2022

Among the 41 specific instances that were closed in 2022, 33 were already in progress as of 1 January 2022 and eight were submitted during the year. Of the specific instances closed in 2022 that were in progress at the end of 2021, 20 were submitted prior to 2021. Table 2.2 provides an overview of closed specific instances in 2022. Out of the 41 specific instances closed in 2022, 27 were concluded, and fourteen were not accepted. NCPs followed-up on 22 previously concluded cases in 2022.

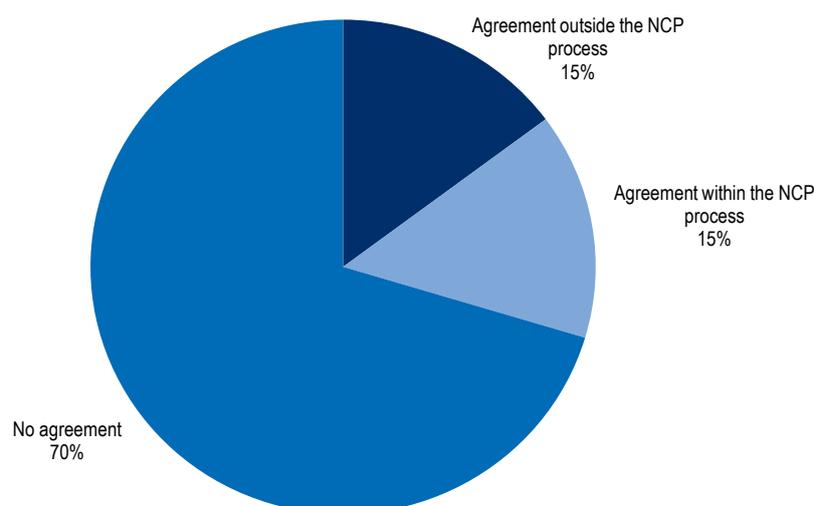
Mediation is the preferred method of most NCPs when facilitating dialogue in specific instances. Of the 24 concluded specific instances where mediation status was known, 15 underwent mediation (63%). In seven concluded specific instances mediation did not occur as one or both parties declined to participate.

Twenty-one NCPs (43%) reported that NCP staff had undergone dispute resolution (e.g. mediation) training during the year. Eleven NCPs (22%) reported engaging professional mediators during the year. Thirteen NCPs (27%) reported that their staff were involved in conducting mediation during the year. Seven NCPs reported both engaging professional mediators and involving NCP staff in mediation during the year. Two NCPs reported that their staff had not undergone mediation training but had conducted mediation during the year without engaging professional mediators.

Four concluded cases resulted in full or partial agreement between parties within the NCP process and four resulted in full or partial agreement between parties outside of the NCP process (Figure 2.1). Agreement between parties was therefore reached in 30% of all concluded cases and 36% of all concluded cases where mediation occurred, compared to 33% in 2021 and 54% in 2020, showing a small reversal to a previous trend of decreasing agreement rates. NCPs reported various reasons explaining why no agreement could be reached, such as a refusal to engage on the part of one of the companies, an inability to reach agreement despite engagement from both parties, bad faith engagement, and delays in the process. Figure 2.2 shows the reasons agreement could not be reached, as a percentage of all cases concluded without agreement in 2022. Refusal to engage was reported as the reason for no agreement in a plurality of cases that did not reach agreement (44%). This was also the case in 2019 when 57% of cases did not reach agreement for the same reason. In June 2022, NCPs engaged in peer learning in order to address the challenge of getting companies to the table (see Peer reviews, capacity building and peer learning below).

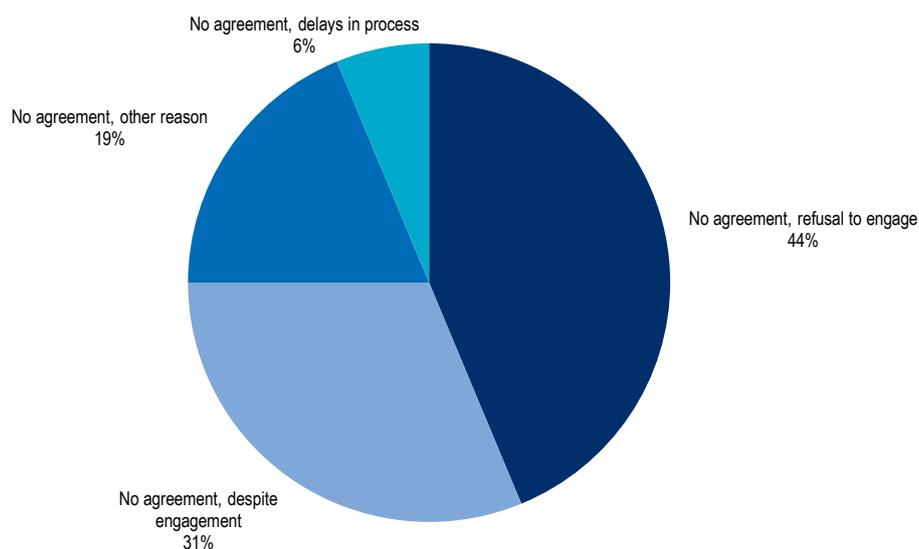
Of the 15 submissions closed in 2022 involving NGOs, 80% were accepted for further examination with 8% of accepted cases leading to agreements. This is a decrease in agreement rate for submissions from NGOs as compared to 2021, where 36% of such cases resulted in agreement. Continuing a trend of previous years, cases submitted by individuals had a lower acceptance rate than those submitted by NGOs, with 33% of the 12 submissions being accepted for further examination, 25% of which (one out of four) led to agreement. This is still in line with acceptance rates in previous years. All 11 specific instances concluded in 2022 that had been submitted by trade unions were accepted for further examination and 55% of these submissions resulted in agreement.

Figure 2.1. Outcomes of specific instances concluded in 2022



Note: N = 27. Data for 2022 do not include Greece or Jordan
Source: 2022 NCP Annual Reporting Questionnaire

Figure 2.2. Reported reasons for no agreement in 2022



Note: N = 16. Data for 2022 do not include Greece or Jordan
Source: 2022 NCP Annual Reporting Questionnaire

Box 2.3. Agreements attained through the NCP mechanism in 2022

Czech NGO & Czech company in the textile industry [Czech NCP]

On 24 May 2018, a Czech NGO submitted a specific instance to the Czech NCP alleging that a Czech company active in the textile industry had not observed the Guidelines concerning its sourcing from a Myanmar-based factory suspected of breaching labour rights. The parties did not agree to engage directly but agreed to dialogue via the NCP. In May 2022, the NCP published a final statement concluding the specific instance with agreement between parties, including for the company to enhance its due diligence process. The identities of the parties and the agreement are confidential. The Czech NCP will follow up on the agreement in 2023.

IndustriALL Global Union and Syndicat National Autonome des Travailleurs d'Electricité et de Gaz "Sonelgaz" (SNATEG) & General Electric Company (GE) [US NCP]

On 30 October 2018, IndustriALL and SNATEG submitted a specific instance to the US NCP alleging that General Electric (GE), a US-headquartered conglomerate operating in aviation, power, renewable energy, digital industry, additive manufacturing and venture capital and finance, had not observed the Guidelines relating to their operations in Algeria. Specifically, issues concerned an alleged lack of due diligence in GE's business relationship with Société Nationale de l'Electricité et du Gaz (Sonelgaz), which was alleged to have violated workers' rights to freedom of association and collective bargaining. The parties underwent mediation, following more than two years of delay due to the Covid19 pandemic and the parties' wish to have in person mediation, and in 2022 the final statement was published concluding the specific instance with a full agreement between the parties. The agreement was confidential, but the US NCP additionally recommended that the parties continue their work together, maintaining and building upon the positive relationship developed in the NCP process. The US NCP may follow up on the agreement in the future.

Four trade unions (IUF, EFFAT-IUF, SEIU, UGT) & Norges Bank Investment Management (NBIM) & APG Asset Management [Dutch NCP, Norwegian NCP]

On 18 May 2020, four trade unions submitted a specific instance to the Dutch NCP alleging that the McDonald's Corporation, a US-based company active in the food service sector, Norges Bank Investment Management, and APG Asset Management, respectively Norwegian and Dutch companies active in the financial sector, had not observed the Guidelines in connection with gender-based violence and harassment (GBVH) in the global operations of McDonald's Corporation and related due diligence by the two institutional investors. The relevant NCPs agreed to split the specific instance into three separate cases, with close coordination. The specific instance concerning the McDonald's Corporation was handled by the US NCP and was concluded without agreement as the company declined to participate in mediation due to its belief that the submitters were engaged in inappropriate action and had made misleading statements to the NCP and the press.

The Norwegian NCP accepted to handle the case involving NBIM and, in April 2022, following dialogue facilitated by the NCP, published a final statement concluding the specific instance with an agreement between parties. The agreement noted that NBIM would make its best efforts to implement due diligence recommendations of the Guidelines and it acknowledged the role of institutional investors in RBC. The parties further agreed that GBVH is a material risk that companies in fast-food need to address to create a safe work environment. The NCP conducted a follow up on the agreement in late 2022 finding that the agreement had been implemented in full.

The Dutch NCP accepted to handle the case involving APG Asset Management and, in February 2022, following mediation, the NCP published a final statement concluding the specific instance with an agreement between the parties. The parties agreed that increased meaningful stakeholder engagement was necessary and the parties declared that they would continue to address the need for safe working

conditions, including implementation of effective and publicly available policies on GBVH. The NCP is expected to follow up on the agreement in 2023.

Note: Read more on the specific instance handled by the US NCP concerning McDonalds:

<http://mneguidelines.oecd.org/database/instances/us0051.htm>

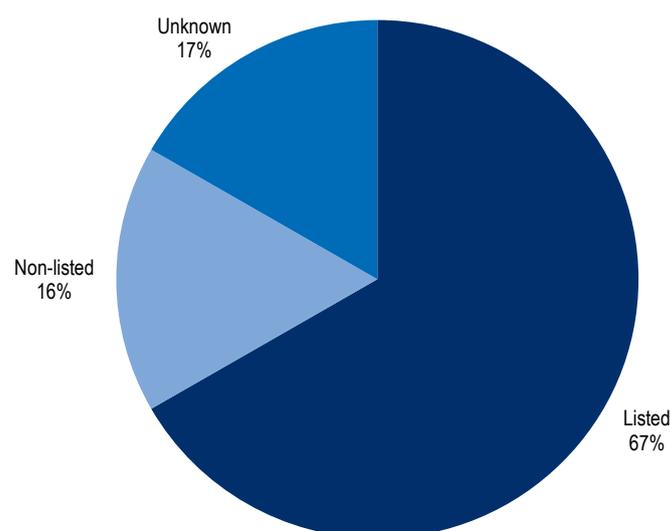
Source: NCP Database (2022)

Type of companies involved in specific instances

Out of the 41 specific instances closed in 2022 and for which the size of the company is known, four (11%) involved small or medium sized enterprises with the remainder involving large enterprises (defined as companies that employ over 250 employees).¹¹ Final statements were not yet available or did not disclose sufficient information to determine the size of the company(ies) in six specific instances.

Publicly listed entities were involved in 27 (79%) closed specific instances where such information about the company was available, while non-listed companies were involved in seven (21%). One specific instance involved a mix of listed and non-listed companies. Information on ownership of seven companies involved in specific instances is unavailable (Figure 2.3).

Figure 2.3. Listing of companies/organisations involved in specific instances in 2022



Note: N = 41. Data for 2022 do not include Greece or Jordan

Source: 2022 NCP Annual Reporting Questionnaire

Headquarter locations of companies and organisations involved in specific instances closed in 2022 are available in Table 2.1. Headquarter locations of companies involved in specific instances vary from year to year. In 2021, Brazil (5), Switzerland (5), France (4), and the United Kingdom (4) had the highest number of specific instances concerning companies headquartered in their countries. In nine specific instances, issues arose in the country of the lead NCP handling the specific instance. In 23 (56%) specific instances closed in 2022, issues arose in at least one adherent country. Issues therefore arose in non-adherent countries in 18 (44%) specific instances closed in 2022.

¹¹ The most frequent upper limit designating an SME is 250 employees. See OECD Glossary of Statistical Terms, "Small and Medium Sized Enterprises." <https://stats.oecd.org/glossary/detail.asp?ID=3123>

Table 2.1. Known headquarter locations of companies/organisations involved in specific instances closed in 2022

Headquarter location of company/organisation	Number of specific instances	Headquarter location of company/organisation	Number of specific instances
United States	5	Norway	2
Ireland	4	Sweden	2
Netherlands	4	United Kingdom	2
Canada	3	Australia	1
France	3	Czech Republic	1
Switzerland	3	Japan	1
Denmark	2	South Africa	1
Korea	2	United Arab Emirates	1

Note: Data do not include Greece or Jordan

Source: NCP Specific Instance Database (2022)

Final statements

The Procedural Guidance of the Guidelines provides that NCPs will ‘at the conclusion of the [specific instance] procedures and after consultation with the parties involved, make the results of procedures publicly available [...]’.¹² In particular, the Commentary on the Implementation Procedures of the 2011 OECD Guidelines for Multinational Enterprises provides that when the NCP ‘decides that the issues raised in the specific instance do not merit further consideration, it will make a statement publicly available after consultations with the parties involved’¹³ and, with accepted cases, ‘if the parties fail to reach agreement or if the NCP finds that one or more of the parties to the specific instance is unwilling to engage or to participate in good faith the NCP will make recommendations as appropriate in the public statement.’¹⁴ When parties reach an agreement, the NCP ‘will make publicly available a report with the results of the proceedings.’¹⁵ Determinations (to indicate that a company has or has not observed the recommendations of the Guidelines) can also be made by NCPs.

Statements constitute an important outcome of the procedure and a powerful tool to support the effectiveness of the Guidelines and enhance transparency, accountability and visibility of NCPs. Substantiated decisions containing concrete interpretations of the Guidelines, recommendations and determinations by the NCP can help companies and stakeholders better understand the Guidelines and what steps, actions, or policy measures they can take to fully observe them.

At the time of writing, final statements have been published for 35 of the 41 (85%) specific instances that were closed in 2022. Twenty-five statements were published in concluded cases, and 10 in non-accepted cases. This represents a slight decrease from previous years, with statements available for 88% and 89% of closed specific instances in 2021 and 2020, respectively.

Twenty-one of the 25 (84%) final statements published for concluded cases include recommendations, representing an increase from 2021, when 64% of final statements contained recommendations, and slight increase from 2020, when 81% of final statements contained recommendations.

¹² Decision on the Guidelines, Procedural Guidance, I. C (3).

¹³ Para. 32.

¹⁴ Para. 35.

¹⁵ Para. 34.

Box 2.4. Examples of recommendations in NCP final statements published in 2022

Electricity Transmission Consultants (BD) Ltd. & Tower Solutions Inc. [Canadian NCP]

On 10 March 2020, Electricity Transmission Consultants Ltd. (ETCBL), a Bangladesh based consultancy firm, alleged that Tower Solutions Inc., a Canadian communication service, had not observed the Disclosure (Chapter III) and Competition (Chapter X) provisions of the Guidelines. Specifically, ETCBL alleged that Tower Solutions Inc. failed to provide compensation for services provided to enter the Bangladesh market and failed to provide compensation for services, contrary to commitments made. Tower Solutions Inc. rejected the allegations and claimed to have operated according to the commitment between the parties.

The Canadian NCP offered its good offices, but after two mediation sessions, the parties were unable to reach agreement. On 17 February 2022, the NCP officially concluded the case without agreement between the parties. However, the NCP considers that the mediation was successful because it facilitated a constructive exchange and allowed the identification of best practices around the implementation of the Guidelines.

The NCP recommended that:

- The company proactively disclose their information in relation to their business relations with subcontractors, suppliers, and partners to avoid confusion
- The submitter adopts business practices, such as signing contracts that clearly outline the responsibilities and deliverables for all parties, consistent not only with local law, but also with internationally recognized standards and practices, especially when dealing with foreign companies

Turkish Metal Workers Union, BİRLESİK METAL-İŞ & Systemair AB [Swedish NCP]

On 11 January 2021, the Turkish Metal Workers Union, BİRLESİK METAL-İŞ, submitted a specific instance alleging that Systemair AB, a ventilation equipment manufacturer headquartered in Sweden, and specifically Systemair AB's Turkish subsidiary, Systemair HSK, had not observed the Concepts and Principles (Chapter I), General Policies (Chapter II), Human Rights (Chapter IV), and Employment and Industrial Relations (Chapter V) provisions of the Guidelines regarding manufacturing activities in the Gebze district of Turkey. Specifically, the issues related to the reclassification of employees from administrative to manufacturing, putting members of the union on unpaid leave, restricting the movements of workers during protests, and dismissing union members. Systemair HSK has also begun parallel legal proceedings regarding the issues.

On 23 September 2021, the NCP decided to accept the case for further consideration and issued an initial assessment statement. The case was handled with support from the Turkish NCP at the request of the submitter.

The NCP offered its good offices to the parties involved at the beginning of 2022. Despite engagement from both parties, the good offices did not result in any agreement. The NCP published a final statement on 22 December 2022 concluding the case without agreement between the parties. The Swedish NCP recommended that:

- The company to use its leverage on its Turkish subsidiary to strengthen its due diligence in the Turkish branch and ensure respect for employee decisions, compliance with all legal decisions following the closure of related parallel proceedings and improved social dialogue between the parties.

On the issue of unpaid leave, dismissals, and alleged threats to employees, the NCP recommends that when the courts issue their final decisions on the dismissals, the enterprise should act promptly to comply with these decisions. For these purposes, the NCP recommends that the enterprise establishes and contributes to remediation schemes that could be used, should the Turkish courts confirm that the dismissals were anti-union in their nature.

Source: OECD NCP Database (2022)

Determinations that the companies did not fully observe the Guidelines were included in three final statements and a determination that the company did fully observe the Guidelines was included in one final statement. This represents a decrease from 2021 when eight determinations were made, though is a slight increase from 2020, which had two determinations included in final statements.

Box 2.5. Examples of determinations in NCP final statements published in 2022

FNV, ITF, PSI and IndustriALL Global Union, supported by Friends of the Earth & Chevron Netherlands BV and 13 other affiliated entities (Chevron et al.) [Dutch NCP]

On 8 October 2018, a combination of NGOs and trade unions submitted a specific instance to the Dutch NCP alleging that Chevron et al. had not observed the Disclosure and Taxation provisions of the Guidelines, relating to concealed tax-related information, and disclosure issues with respect to Chevron's operations in Argentina, Nigeria, and Venezuela. The NCP offered its good offices to both parties, which the enterprise declined. In March 2022, the NCP published a final statement determining that the Chevron et al. had not observed para. 1-3 of the Disclosure provision of the Guidelines. The NCP was not able to determine compliance with the Taxation provisions. The NCP further noted that, by not genuinely engaging in the procedure, the enterprise had not acted in accordance with the Guidelines. This was the second specific instance in two years that pointed to a company's refusal to engage as grounds for non-observance of the Guidelines (see note below). The NCP recommended Chevron et al. align its conduct with Disclosure provisions of the Guidelines, cooperate with legitimate remediation mechanisms, adapt tax policy with relevant, and follow best practices for MNEs. The NCP is expected to follow up on the recommendations in 2023.

A family in central Europe, supported by an Australian national & a French MNE [French NCP]

On 7 July 2020, an Australian national, supporting a family in Central Europe, submitted a specific instance to the French NCP alleging that a French MNE active in real estate had not observed the Guidelines relating to due diligence involved in land acquisition. Specifically, the submitter represented a family who had owned an Austrian holding company, which owned a Polish company operating a plant in Upper Silesia in Poland in 1923. The goods of the family were plundered as of 1939, and a Polish subsidiary of the French MNE acquired the land in 2007. The NCP offered its good offices to both parties, which the enterprise refused. In July 2022, the NCP published a final statement determining that the MNE did observe the Guidelines. The French NCP did however recommend that the enterprise update its land and real estate acquisition policies to contain specific guidance for high-risk areas and to strengthen the identification of human rights risks for future projects.

Note: In 2021, the AusNCP determined that the company ElectraNet had not acted consistently with the Guidelines by refusing to engage in the NCP process. See: <http://mneguidelines.oecd.org/database/instances/au0018.htm>

Source: OECD NCP Database (2022)

Follow up

Following up on cases can be a valuable exercise in ensuring agreements reached through specific instance proceedings are implemented and in tracking whether recommendations are being implemented to further the effectiveness of the Guidelines. Follow up was identified as good practice by NCPs in a ‘Guide for NCPs on follow up to specific instances’, published in 2020.¹⁶

In 2022, 15 of 25 (60%) concluded specific instances included plans to follow up on the outcomes of the case (agreements and/or recommendations), representing an increase over 2021 (41%), and a slight increase over 2020 (58%). One case that was not accepted by the NCP contained plans for a follow up. Additionally, in 2022, the NCPs of Australia, Belgium, Brazil, Chile, Denmark, France, Germany, Italy, Korea, Netherlands, Norway, Spain, Switzerland, and the United Kingdom issued follow up statements relating to 22 specific instances, an increase from 2021 (16) and 2020 (13).

There is no specified timeline for conducting a follow up to specific instances and different NCPs take different approaches to this aspect of the procedure. Of the 22 follow ups conducted in 2022, eight (36%) had been completed within one year of the conclusion of the specific instance, seven (32%) were conducted between one and two years of the specific instance conclusion, and six (27%) follow ups were conducted more than two years after the conclusion of the specific instance. The date of follow up was not known for one specific instance. In one specific instance, the follow up was conducted eight and half years after the conclusion of the specific instance. The parties to the specific instance have maintained a regular dialogue between themselves and with the NCP involving multiple follow ups since first entering the specific instance process in 2012.

Box 2.6. Examples of developments following case closure as evidenced by follow-up

West Virginians for Sustainable Development & Rockwool International A/S [Danish NCP]

On 21 October 2019, West Virginians for Sustainable Development submitted a specific instance to the Danish NCP alleging that Rockwool International A/S, a Danish multinational manufacturer of mineral wool products, did not observe the General Policies (Chapter II), Human Rights (Chapter IV), and Environment (Chapter VI) provisions of the Guidelines concerning risks related to the planning and construction of a mineral wool manufacturing facility in West Virginia, USA to the environment and public health. Specifically, the submission alleged improper involvement in local political activities, failing to engage with relevant stakeholders, and failing to provide sufficient transparency and public notice regarding project plans.

On 1 November 2019, the initial assessment was completed, and the case was officially accepted on 5 December 2019 and the NCP moved to provide its good offices. Rockwool declined the invitation to enter mediation, prompting the NCP to examine the case.

On 3 June 2021 the case was concluded. The NCP determined that Rockwool had not observed the OECD Guidelines by failing to carry out risk-based due diligence in the initial phase of the manufacturing facility project. Furthermore, the NCP found that Rockwool did not sufficiently observe the OECD Guidelines’ expectations to provide meaningful opportunities for the relevant stakeholders to express their views during the planning and decision-making process of the manufacturing facility project. The following recommendations were issued: (1) that Rockwool reviews its decision-making processes to ensure systematic integration of risk-based due diligence in accordance with the OECD Guidelines; (2) that Rockwool reviews its “Community Engagement Manual” regularly and ensures that it is adjusted

¹⁶ OECD (2019), Guide for National Contact Points on Follow Up to Specific Instances, OECD Guidelines for Multinational Enterprises

as needed and implemented to accommodate the circumstances and context of specific projects; (3) that Rockwool communicates publicly about its due diligence processes.

On 19 July 2022, the NCP issued a follow-up statement where it found that Rockwool had made an extensive effort towards increased organizational knowledge and integration of risk-based due diligence as described in the OECD Guidelines. The NCP concluded that Rockwool had sufficiently observed NCP Denmark's recommendations in the Final Statement of 3 June 2021

Ali Enterprises Factory Fire Affectees Assoc. & RINA S.p.A. [Italian NCP]

On September 11, 2018, the Ali Enterprises Factory Fire Affectees Association (AEFFAA) and several unions and NGOs filed a specific instance against the auditing firm RINA Services S.p.A. to the Italian NCP to mark the sixth anniversary of the Ali Enterprises fire in 2012. The complaint alleged that RINA Services S.p.A. had not observed the Guidelines in wrongfully awarding the SA 8000 certification to the Ali Enterprises factory before it burned down. Both parties accepted the NCP's offer of good offices via external mediation. No agreement was reached and on 11 December 2020, the Italian NCP published a final statement providing recommendations ranging from a humanitarian gesture, an apology to victims and improvements with regards to risk-based due diligence. On 3 August 2022, the Italian NCP published its follow-up report: albeit not following through on all recommendations, the NCP noted that RINA Services S.p.A. reported an updated corporate enterprise risk management approach and a third-party due diligence process. The follow up concluded that the positions of the Parties remained divergent however the NCP still hoped that every effort would be made to fully implement its recommendations.

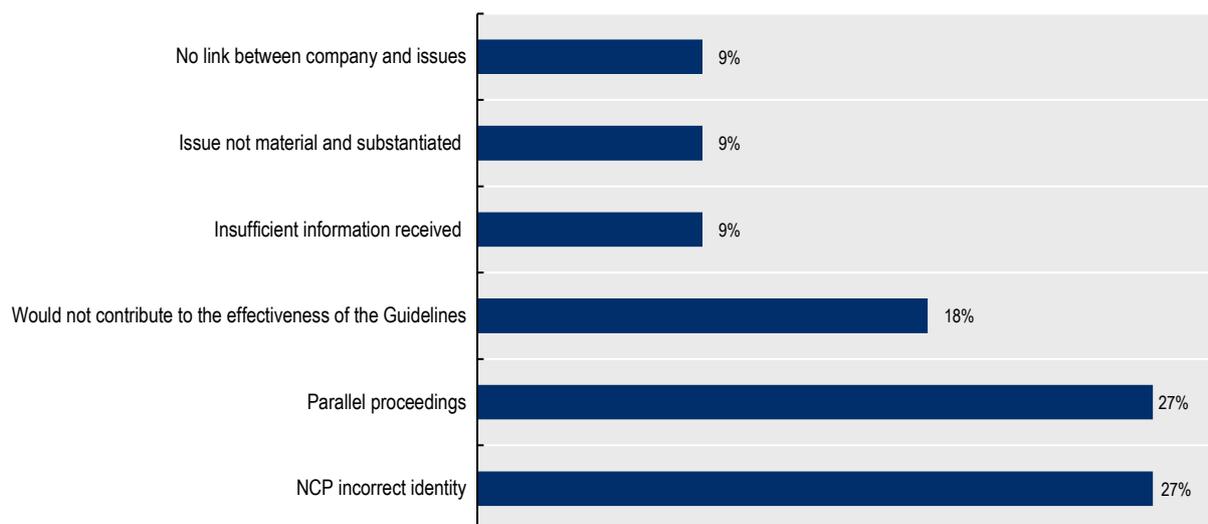
Source: OECD NCP Database (2022)

Specific instances not accepted for further examination

As noted above, 14 specific instances (34%) closed in 2022 were not accepted for further examination. This represents a fourth consecutive year with a stable or decreasing rate of cases not accepted, down from 37% in 2021 and 2020, and down from 46% and 50% in 2019 and 2018, respectively.

The main reason for not accepting specific instances in 2022 was tied between the NCP as the incorrect entity to handle the case and the involvement in parallel proceedings, both raised in three specific instances. The fact that the consideration of the specific issues would not contribute to the effectiveness of the Guidelines was identified as the reason for non-acceptance in two specific instances. In one specific instance each, the reason for non-acceptance was identified as insufficient information being received from the submitter, the issues were not material and substantiated, and there was no link between the enterprise's activities and the issues raised (Figure 2.4). Two specific instances were not accepted by an NCP as they were transferred to a different NCP. It was not possible to assess the reason for non-acceptance in one specific instances.

Figure 2.4. Reasons for non-acceptance of specific instances in 2022



Note: N = 11. Data for 2022 do not include Greece or Jordan

Source: 2022 NCP Annual Reporting Questionnaire

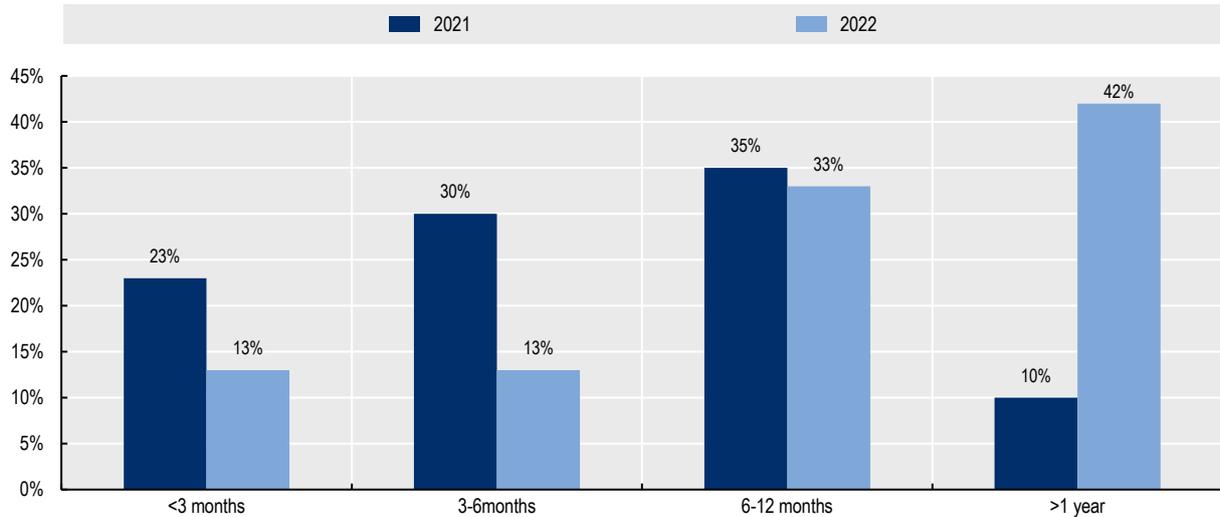
Duration of procedures

The Commentary to the Procedural Guidance provides an indicative timeframe of three months for completing the initial assessment.¹⁷ Of the specific instances concluded in 2022, for which the date of initial assessment is known, the statement was published within three months in three cases (13%), a decrease from 23% and 16% of cases in 2021 and 2020, respectively. In three specific instances (13%) the initial assessment took between 3-6 months, a decrease from 30% in 2021. In eight specific instances (33%) the initial assessment took between 6-12 months, an increase from 35% in 2021. In ten specific instances (42%) it exceeded one year, an increase from 2021 (10%).

Timelines of initial assessments are generally longer than in 2021 (Figure 2.5), with fewer initial assessments published within the indicative timeframe.

¹⁷ Para. 40.

Figure 2.5. Timelines of initial assessments 2021-2022



Note: Data do not include Greece or Jordan

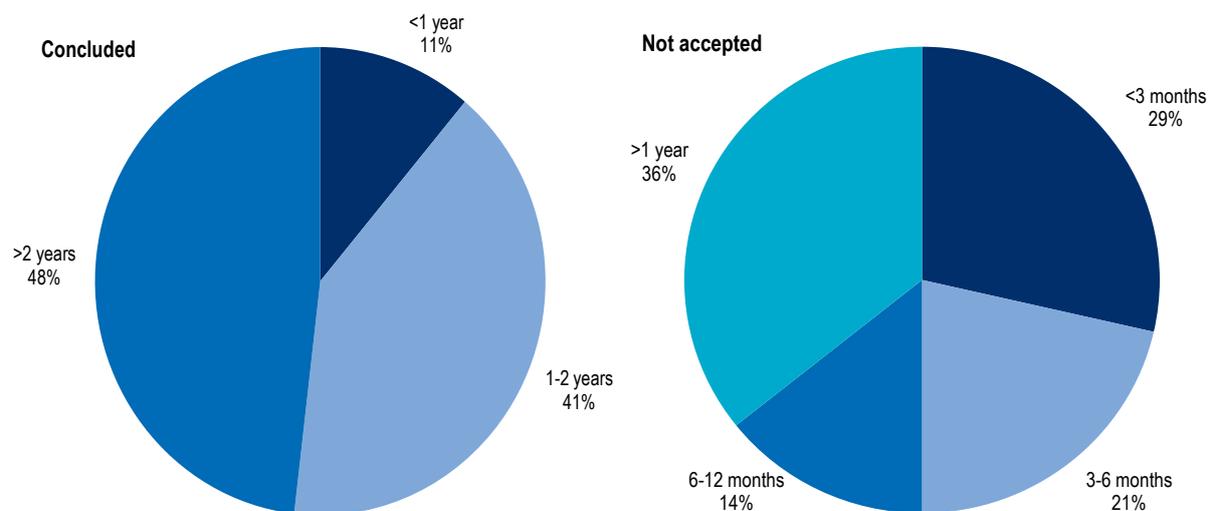
Source: OECD NCP Database (2022)

The Commentary to the Procedural Guidance provides that ‘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.¹⁸ Of cases concluded in 2022, three (11%) were concluded in less than one year, 11 (41%) were concluded between one and two years, and thirteen (48%) were concluded in more than two years (Figure 2.6). Notably, ten of these cases took more than three years to conclude. This suggests an overall increase in timelines compared to cases concluded in 2021, which had 22% of cases concluded in less than one year, 56% of cases concluded between one and two years, and 22% of cases exceeding two years.

Of cases not accepted in 2022, four (29%) were closed in less than three months, three (21%) were closed between 3-6 months, two (17%) were closed between 6-12 months, and five (36%) cases exceeded one year (Figure 2.6). This represents an increase in cases concluded in less than three months as zero cases were closed in that timeframe in 2021. It additionally represents an increase in not accepted cases exceeding one year, with 19% of cases in that timeframe in 2021.

¹⁸ Para. 41

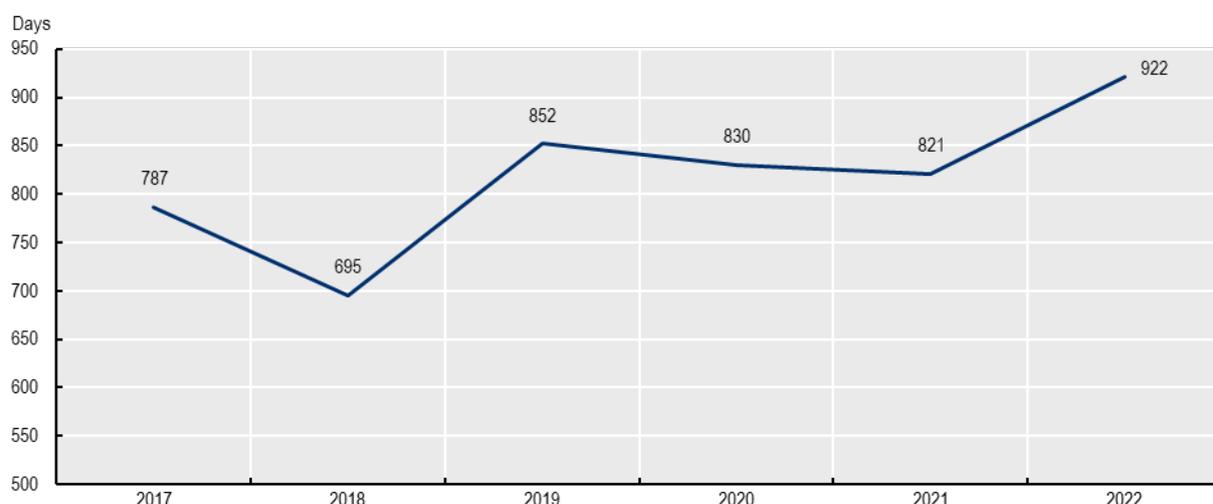
Figure 2.6. Timelines from start-to-finish of cases concluded and not accepted in 2022



Note: N = 27, 14. Data from 2022 do not include Greece and Jordan
 Source: OECD NCP Database (2022)

Timelines have routinely been tagged as a challenge for NCPs and remained an issue in 2022. While 2021 saw slightly improved timelines as compared to 2020 (see the average duration of concluded cases from 2017-2022 in Figure 2.7 below), 2022 timelines have again distanced from the indicative timelines, in particular for concluded cases, for which only about one in ten was concluded within the indicative time frame. Some causes for this continue to be increased case complexity, managing the availability of parties, insufficient resources, and issues relating to the Covid-19 pandemic. It is noted that the 48% of cases concluded in 2022 that exceeded a two-year timeline could have suffered delays due to the pandemic. Some NCPs noted specifically that much of their work in 2022 was dedicated to closing specific instances that had suffered previous delays due to the pandemic.

Figure 2.7. Average duration of concluded cases in days 2017-2022



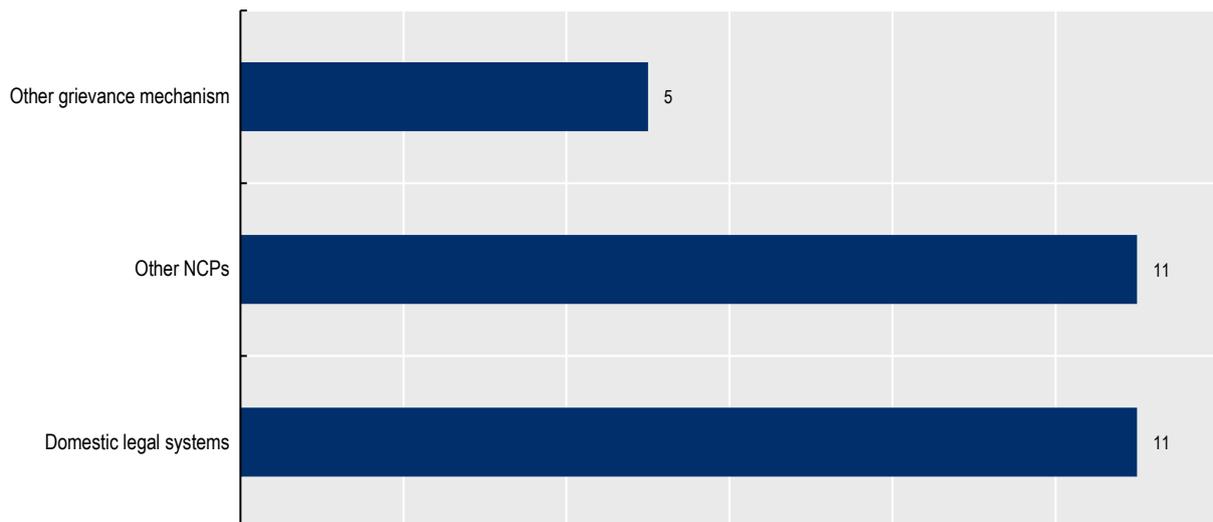
Note: Data do not include Greece and Jordan
 Source: OECD NCP Database (2022)

Parallel proceedings in closed specific instances

The Commentary on the Procedural Guidance for NCPs provides that “when assessing the significance for the specific instance procedure of other domestic or international proceedings addressing similar issues in parallel, NCPs should not decide that issues do not merit further consideration solely because parallel proceedings have been conducted, are under way or are available to the parties concerned.”¹⁹ However, it is relevant to the NCP procedure to know what other avenues of dialogue the submitting parties may be using, or if they have brought similar issues to a complaint mechanism previously. The presence of parallel proceedings may increase the complexity of the specific instance for the NCP. Examples of specific instances involving parallel proceedings can be found in Box 2.7.

Twenty-seven specific instances (66%) closed in 2022 included reference to some form of parallel proceedings. Of the specific instances that included parallel proceedings, seven (29%) were not accepted. Of these seven cases, three listed parallel proceedings as the reason for non-acceptance. Parallel proceedings reported in cases closed in 2022 included domestic legal systems, other NCPs, and other grievance mechanisms (Figure 2.8). Examples of other grievance mechanisms included a 2021 decision of the Court of Justice of the European Union, and an ILO complaint filed against the concerned company by the non-adherent country in which issues arose

Figure 2.8. Types of parallel proceedings identified in specific instances closed in 2022



Note: N = 27. Data do not include Greece and Jordan

Source: OECD NCP Database (2022)

¹⁹ Para. 26.

Box 2.7. Examples of specific instances closed in 2022 involving parallel proceedings

Individuals & The Coca-Cola Company [US NCP]

On 10 August 2022, three individuals submitted a specific instance to the US NCP alleging that the US headquartered Coca-Cola Company had not observed the Guidelines relating to an alleged lack of due diligence with Bralima, a licensed bottler of Coca-Cola branded soft drinks, with whom the submitters had been previously employed before allegedly being unjustly dismissed. Bralima is a subsidiary of the Dutch beverage company Heineken.

The US NCP published a final statement deciding not to accept the specific instance as the submitters had previously submitted the same underlying facts to the Dutch NCP multiple times, and the cases were not accepted as they constituted individual labour disputes. The US NCP considered that reassessment of such issues would not be warranted or further the effectiveness of the Guidelines.

Osaka Branch of Skynetwork & Emirates [Japanese NCP]

On 20 July 2018, the Osaka Branch Skynetwork submitted a specific instance to the Japanese NCP alleging conduct inconsistent with the Guidelines by Emirates, an air travel company headquartered in the United Arab Emirates, relating to the relocation of a department from Japan to the People's Republic of China (hereafter 'China'). The Japanese NCP accepted the case for further examination, but the enterprise refused to engage in mediation, indicating a preference to focus only on parallel proceedings with the Central Labour Relations Commission of Japan, which was dealing with similar issues. The Japanese NCP paused the examination of the specific instance while parallel proceedings were ongoing.

On 20 September 2022, the NCP concluded the specific instance as the parties had reached a full agreement outside of the NCP process.

Source: OECD NCP Database (2022)

Summary of closed specific instances

An overview of all closed specific instances including the lead NCP, host countries, duration, and final outcomes is available in Table 2.2 below.

Table 2.2. Status of closed specific instances in 2022

Outcome		Specific instance	Lead NCP	Host country(ies)	Year submitted-closed
Concluded with agreement between parties within the NCP process, recommendations issued. Concluded with agreement between parties within the NCP process, no recommendation.	1	Czech NGO & Czech company operating in sale of sport textile equipment	Czech Republic	Myanmar	2018-2022
	2	IndustriALL Global Union & General Electric Company	United States	Algeria	2018-2022
	3	Four trade unions & APG Asset Management	Netherlands	United States and others	2020-2022
	4	Four trade unions (IUF, EFFAT-IUF, SEIU, UGT) & Norges Bank Investment Management (NBIM)	Norway	Norway	2020-2022
Concluded with agreement between parties outside of the	5	Osaka branch of Skynetwork & Emirates	Japan	Japan	2018-2022

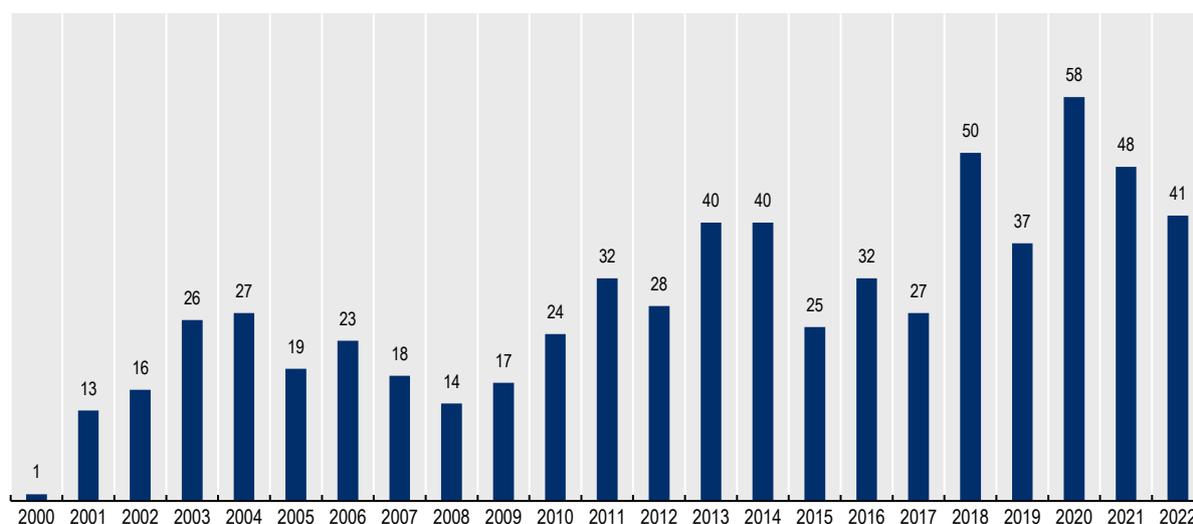
NCP process.	6	Worker's family & Mining Enterprise	Chile	Chile	2021-2022
	7	Intersyndicale ATOS& ATOS	France	France	2021-2022
	8	UNITE HERE Local 11 & Fédération Internationale de Football Association (FIFA)	Switzerland	United States	2022-2022
Concluded without agreement between parties, recommendations issued.	9	Nissan Motor, Renault, Renault-Nissan, UAW, IndustriALL	Japan	United States	2016-2022
	10	Global Legal Action Network & San Leon Energy plc	Ireland	Morocco	2018-2022
	11	Japan Cabin Crew Union & KLM Royal Dutch Airlines	Japan	Japan	2018-2022
	12	AHN and CBVL & Victoria Oil and Gas plc	United Kingdom	Cameroon	2018-2022
	13	Group of people & Minera Candelaria (Lunding Mining and Sumitomo)	Chile	Chile	2019-2022
	14	Milieudefensie et al. & ING Bank	Netherlands	Indonesia, Liberia	2019-2022
	15	Martin Linge Project Crane Accident Workers Support Team & Samsung Heavy Industries	Korea	Korea	2019-2022
	16	KTNC Watch, PUSAKA, SKP-KAMe, WALHI Papua & POSCO International, National Pension Service	Korea	Korea	2019-2022
	17	ETCBL and Tower Solutions	Canada	Canada	2020-2022
	18	Maharashtra Association of Pesticide Poisoned Persons, Pesticide Action Network India, Public Eye, European Center for Constitutional and Human Rights, Pesticides Action Network Asia Pacific & Syngenta AG	Switzerland	India	2020-2022
	19	International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco, and Allied Workers Associations (IUF), European Federation of Food, Agriculture, and Tourism (EFFAT), Service Employees International Union (SEIU), Unión General de Trabajadores (UGT) & McDonald's Corporation	United States	Brazil, Colombia, France, United Kingdom, United States	2020-2022
	20	Comité de Solidaridad con la Causa Árabe (CSCA) & Empresa Española	Spain	West Bank and Gaza Strip	2021-2022
	21	BİRLESİK METAL-İŞ & Systemair	Sweden	Republic of Türkiye (hereafter 'Türkiye')	2021-2022
	22	Global Legal Action Network (GLAN) & Glencore International AG	Switzerland	Colombia	2021-2022
	23	Justicia y Reparación & Empresa Española	Spain	Chile	2022-2022
	Concluded without agreement between parties, recommendations issued,	24	FNV et al. & Chevron	Netherlands	Argentina, Nigeria, Venezuela
25		Committee Seeking Justice for	Norway	Myanmar	2019-2022

determination made.		Alethanyaw (CSJA) & Telenor			
	26	An individual & a French MNE	France	Poland	2020-2022
	27	“Centre d’Actions pour la Vie et la Terre” and “les Comités Riverains de Veille” & COPAGEF, SOMDIAA and SOSUCAM	France	Cameroon	2020-2022
Transferred to another NCP.	28	An NGO & a social media company	Ireland	Myanmar	2021-2022
	29	Individual Complainant & AngloGold Ashanti Holdings PLC, and Barrick Gold (London) Limited	United Kingdom	Democratic Republic of the Congo	2022-2022
Not accepted for further examination.	30	Christian Juhl & Bestseller	Denmark	Myanmar	2020-2022
	31	Maurice Matadi Kajangu, Romain Bazira Bankulikire, Chrispain Belebele Ntumba, & the Coca-Cola Company	United States	Democratic Republic of the Congo	2020-2022
	32	Léonce Safari Kajangu, Anicet Tambwe Byadunia, and François Zabene Zagabe & the Coca-Cola Company	United States	Democratic Republic of the Congo	2020-2022
	33	Global Legal Action Network and six other NGOs & CMC Coal Marketing DAC	Ireland	Ireland	2021-2022
	34	Daphne Caruana, Galizia Foundation & Accenture plc	Ireland	Ireland, Malta, USA	2021-2022
	35	Guliyev J. & Telia Company AB	Kazakhstan	Azerbaijan	2021-2022
	36	Ghislain Bahati Muhangaza & Citibank	United States	Democratic Republic of the Congo	2021-2022
	37	Justica y Reparacion & Yamana Gold / Minera Florida	Canada	Chile	2022-2022
	38	Law firm on behalf of several stakeholders & Company in the automotive sector	Italy	Netherlands	2022-2022
	39	Individual complainants & Schweppes Holdings Limited	Ireland	Democratic Republic of the Congo	2022-2022
	40	Beisekeeva I. & Amadeo Kazakhstan LLP, the official distributor of the Pandora brand in Kazakhstan	Kazakhstan	Kazakhstan	2022-2022
	41	Individual & multinational company	Spain	Colombia	2022-2022

Note: Data do not include Greece and Jordan. Specific instances are listed by category in order of the reception date of the case.
Source: NCP Annual Reporting Questionnaire 2022

Trends of new specific instances

A total of 41 new specific instances were submitted to NCPs in 2022. The number of cases received in 2022 is lower than previous submission numbers per year within the NCP Network, which saw 48 in 2021 and 58 in 2020 (Figure 2.9). While 41 submissions represent a decrease compared to the last couple years, it is still slightly higher than the historical average since 2011 (38).

Figure 2.9. Number of specific instances submitted annually 2000-2022

Note: Data do not include Greece and Jordan

Source: OECD NCP Database (2022)

In 2022, 19 NCPs received specific instances, representing 39% of all NCPs (Table 2.3). This represents a decrease in NCPs receiving specific instances compared to 2021 (50%) and 2020 (45%). No NCP received its first specific instance in 2022. The Austrian NCP received its first specific instance since 2014. The NCP of Kazakhstan received four specific instances in 2022, following extensive reforms of the NCP in 2021, and having had received its first specific instance in mid-2021. As of the end of 2022, the NCPs of Mexico and Portugal had not received a specific instance in the last five years, and the NCPs of Bulgaria, Costa Rica, Croatia, Egypt, Greece, Iceland, Jordan, Romania, Slovak Republic, Tunisia, Ukraine, and Uruguay had never received a specific instance.²⁰

Table 2.3. Number of specific instances received by NCPs in 2022

National Contact Point	Number of specific instances	National Contact Point	Number of specific instances
Canada	7	Chile	1
Netherlands	6	Colombia	1
Italy	4	Ireland	1
Kazakhstan	4	Korea	1
Spain	3	Lithuania	1
Australia	2	Morocco	1
Germany	2	Norway	1
United Kingdom	2	Switzerland	1
Austria	1	United States	1
Brazil	1		

Note: Data do not include Greece and Jordan

²⁰ The NCPs of Bulgaria, Croatia, Ukraine, and Uruguay are the newest members of the NCP Network, having been established within the last ten years.

Source: NCP Annual Reporting Questionnaire (2022)

At the end of 2022, the status of the 41 specific instances was the following: 32 were in progress, 7 had not been accepted for further examination, and two were concluded.

The Commentary to the Procedural Guidance provides that the NCP of the host country should consult with the NCP of the home country in its efforts to assist the parties in resolving the issues.²¹ It also provides that when issues arise from an enterprise's activity that takes place in several adherent countries or from the activity of a group of enterprises organised as a consortium, joint venture or similar form, based in different adherent countries, the lead NCP should consult with other NCPs.²² Eleven specific instances submitted in 2022 (27%) are being, or were handled with the help of supporting NCPs, a slight decrease from 2021 when 31% of received cases were reported with supporting NCPs.

Host countries

Specific instances submitted in 2022 dealt with issues involving companies in 20 different host countries. One host country could not be identified as it was confidential. Eighteen specific instances submitted in 2022 involve NCPs handling issues within their own countries. Thirty (73%) of the specific instances submitted in 2022 address issues arising in at least one of the 51 adherent countries and ten (24%) address issues arising in non-adherent countries. The host country was not identified in one specific instance.

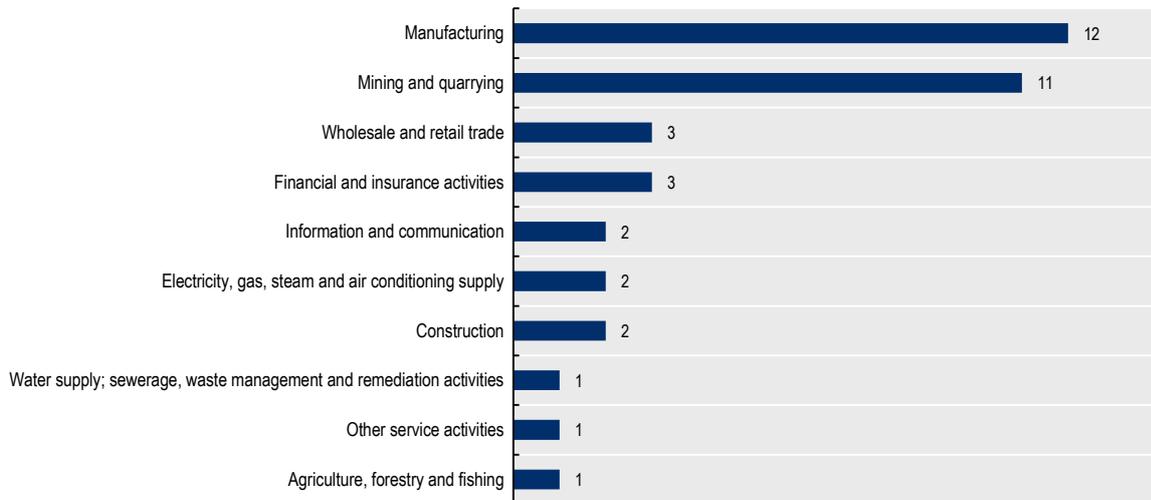
Specific instances by industry sector

The most prevalent sectors referenced in specific instances submitted in 2022 were manufacturing (29% with 12 submissions) and mining and quarrying (27% with 11 submissions). Wholesale and retail trade, and financial and insurance activities each received three submissions (7%) (Figure 2.10). In 2021, mining and quarrying was the most represented sector in submissions. While the share of cases in mining and quarrying remains high in 2022, submissions in manufacturing surpassed it, up from just three submissions in 2021. Specific instances citing the manufacturing sector included the production of such products as armoured vehicles, automobiles, and tomato products.

²¹ Para. 23.

²² Para. 24.

Figure 2.10. Count of specific instances submitted in 2022 by industry sector



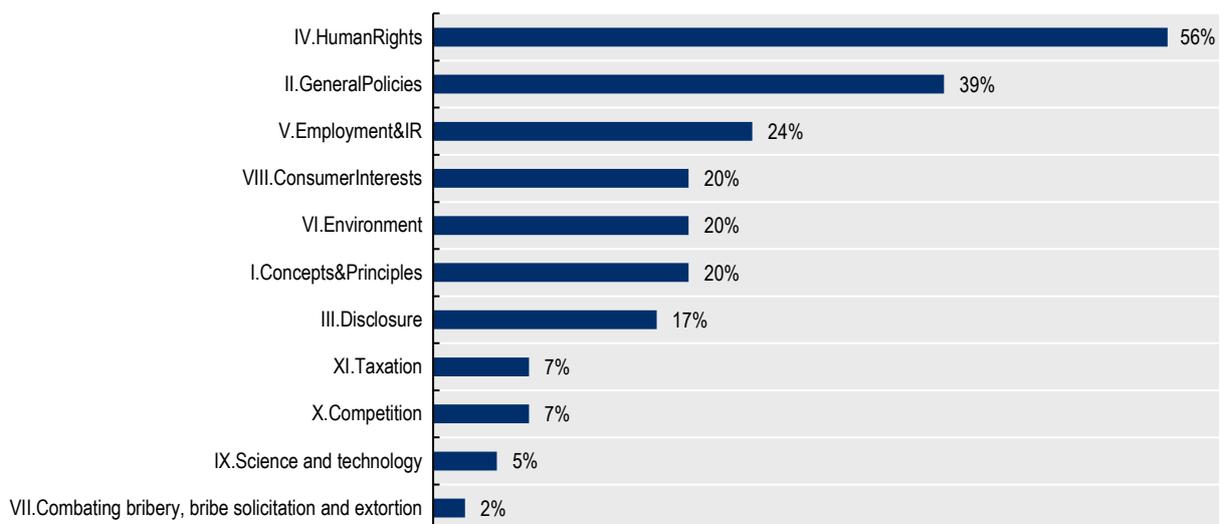
Note: N = 38. Data do not include Greece and Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Chapters of the Guidelines cited in specific instances

As was also the case in 2021, the chapters on Human Rights and General Policies (which includes recommendations on due diligence) were the most frequently referenced chapters, with 23 (56%) and 16 (39%) specific instances submitted, respectively. Employment and Industrial Relations was the third most cited chapter with 10 (24%) submissions, followed by Consumer Interests, Environment, and Concepts and Principles with 8 (20%) submissions each (Figure 2.11). The Human Rights chapter remains the most referenced chapter in specific instances since its introduction in the 2011 updates of the Guidelines. It has been cited in 62% of specific instances since 2011.

Figure 2.11. Percentage of specific instances by Guidelines chapter



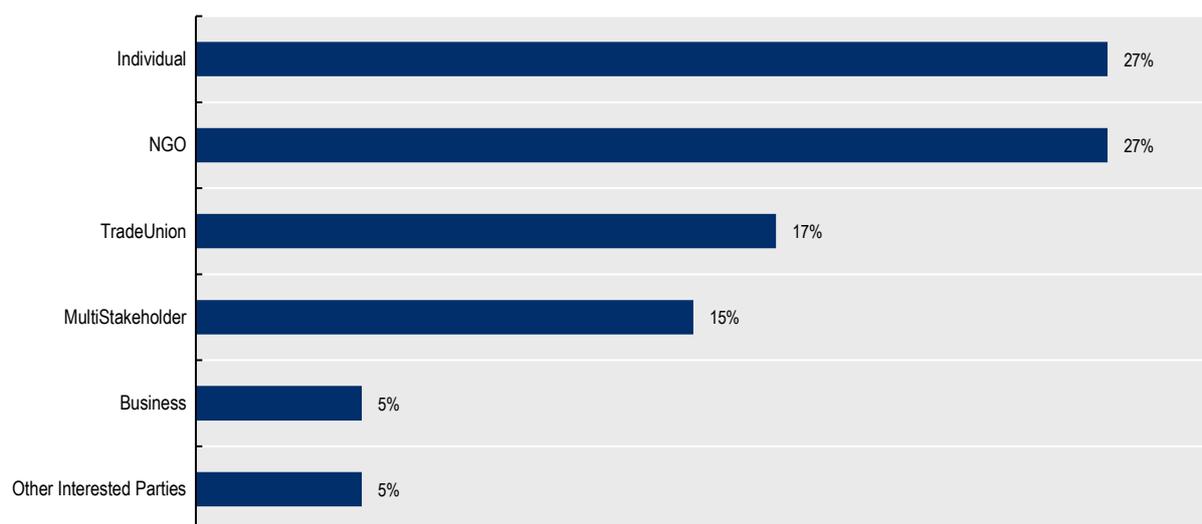
Note: N = 34. Data do not include Greece and Jordan. Data are not mutually exclusive as one specific instance can reference multiple chapters

Source: NCP Annual Reporting Questionnaire (2022)

Submitters of specific instances

As was the case in 2021, individuals and NGOs were again the primary submitters accounting for 11 (27%) submissions each, followed by trade unions (17%) (Figure 2.12). This marks the third consecutive year where individuals made the highest number of submissions to NCPs.

Figure 2.12. Submitters of specific instances in 2022



Note: N = 41. Data do not include Greece and Jordan

Source: NCP Annual Reporting Questionnaire (2022)

3 NCP Institutional arrangements

As established by the Decision on the Guidelines, while adherent governments have flexibility in how to structure their NCP, they are under an obligation to make available human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities.²³ Key among these responsibilities is:

- seeking the active support of social partners;
- dealing with the broad range of issues covered by the Guidelines;
- operating in an impartial manner; and
- developing and maintaining relations with stakeholders.²⁴

Adherent governments are also expected to ensure that their NCP can operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.²⁵ When handling specific instances, NCPs should also observe the principles of impartiality, predictability, equitability and compatibility with the Guidelines.²⁶ In 2022, 33 (67%) of NCPs reported having been established through a legislative, regulatory or administrative instrument. See Box 4.1 for an overview of legal instruments through which NCPs have been established.

²³ Decision on the Guidelines, I (4).

²⁴ See Decision on the Guidelines, Procedural Guidance, I. A.

²⁵ Decision on the Guidelines, Procedural Guidance, I.

²⁶ Decision on the Guidelines, Procedural Guidance. Section C.

Box 3.1. Legal basis for the establishment of NCPs

Law

Denmark, Italy.

Decree, order or similar

Brazil, Colombia, Costa Rica, Croatia, Czech Republic, Finland, Hungary, Kazakhstan, Morocco, Netherlands, Romania, Slovak Republic, Slovenia, Switzerland, Ukraine, Uruguay.

Other executive decision (ministerial decision, circular or similar)

Argentina, Austria, Belgium, Bulgaria, Canada, Chile, France, Germany, Korea, Latvia, Mexico, Peru, Poland, Spain.

Note: Data do not include Greece or Jordan.

Source: NCP Annual Reporting Questionnaires (2022)

Overview of NCP structures

In 2022, NCPs reported being set up according to the following types of structure:²⁷

- **Single agency NCP:** The NCP is composed of one official in a single ministry, or by a group of officials belonging to the same service in the same ministry.
 - In 2022, there were 12 single agency NCPs with advisory bodies: Argentina, Austria, Chile, Colombia, Israel, Italy, Luxembourg, Mexico, Poland, , Ukraine, United Kingdom and the United States.
 - In 2022, there were six single agency NCPs without advisory bodies: Egypt, Estonia, Iceland, Ireland, Peru, and Türkiye.
- **Inter-agency NCP:** The NCP is composed of a group of representatives from several ministries or government agencies, usually with the Secretariat located on one of these ministries, composed of one or more officials.
 - In 2022, there were eight inter-agency NCPs with advisory bodies: Canada, Costa Rica, Germany, Japan, New Zealand, Slovenia, Spain and Uruguay.
 - In 2022, there were four inter-agency NCPs without advisory bodies: Brazil, Hungary, Morocco, and Portugal. In the course of its peer review, ongoing in 2022, the NCP of Morocco indicated having taken initial steps towards the establishment of a stakeholder advisory body.
- **Multipartite NCP:** The NCP is composed of a group of government officials and stakeholder representatives, usually with a Secretariat located in one of the government agencies represented in the NCP.
 - In 2022, there were 13 multipartite NCPs. Four were tripartite, i.e. they included representatives of government, business and trade unions (France, Latvia, Sweden, and Tunisia). Nine were

²⁷ These categories are based on OECD (2018), Structures and Procedures of National Contact Points for the OECD Guidelines for Multinational Enterprises, <https://mneguidelines.oecd.org/Structures-and-procedures-of-NCPs-for-the-OECD-guidelines-for-multinational-enterprises.pdf> . This report maps how Governments have set up their NCPs and how the mechanisms operate and make decisions in relation to their mandates

quadripartite, including representatives of civil society organisations (Belgium, Bulgaria, Croatia, Czech Republic, Finland, Kazakhstan, Romania, Slovak Republic, and Switzerland).

- **Expert-based NCPs:** The NCP is composed of experts who are appointed by, but external to, the government. These NCPs are generally set up as entities independent of the government, although they are dependent upon the government for funding and for their Secretariat, based in a government agency. Experts may be required to act in a personal capacity and not to represent particular interests or on the contrary may represent the views of the organisations that nominated them.
 - In 2022, there were four expert-based NCPs: Denmark, Lithuania, the Netherlands, and Norway.

In addition, the NCPs of Australia and Korea were set up under a hybrid structure composed of elements derived from different models above, namely single-agency and expert-based (Australia), or multipartite and expert-based (Korea). No data is available for Greece and Jordan.

In 2022, the NCP of Bulgaria reported for the first time, as the newest member of the NCP Network, Bulgaria having adhered to the OECD Declaration on International Investment and Multinational Enterprises, to which the Guidelines are attached, in June 2022. An overview of the Bulgarian NCP's structure is provided in Box 3.2 below.

Box 3.2. Newcomer: The Bulgarian NCP



The Bulgarian NCP is composed of a Head of NCP, a supervisory body, a Secretariat, and a Working Group, chaired by the Head of the NCP. The NCP has a quadripartite structure.

The Working Group (WG) of the NCP contains representatives from the Ministry of Innovation and Growth, Ministry of Economy and Industry, Ministry of Labour and Social Policy, Ministry of Environment and Water, National Revenue Agency, Bulgarian Industrial Capital Association, Bulgarian Industrial Association, Bulgarian Chamber of Commerce and Industry, Confederation of Employers and Industrialists in Bulgaria, Union for Private Economic Enterprise, Confederation of Independent Trade Unions in Bulgaria, Confederation of Labour "Support", Centre for the Study of Democracy, Bulgarian Association of Specialists in Corporate Social Responsibility (BASCSR), and the Bulgarian Network of the UN Global Compact. The WG is responsible for the operation of the NCP.

The NCP Secretariat is housed in the Bulgarian Small and Medium Enterprises Promotion agency within the Ministry of Innovation and Growth. It provides support for the NCP and coordinates the WG.

The Supervisory body is the National Economic Council, which is made up of representatives from all government ministries and from the Association of Industrial Capital in Bulgaria, the Bulgarian Chamber of Commerce, the Bulgarian Chamber of Commerce and Industry, the Confederation of Employers and Industrialists in Bulgaria, and the Union for Business Initiative. The consultative body monitors the activity of the NCP.

As a new NCP, the Bulgarian NCP is continuing to develop its expertise on the Guidelines and NCP mechanism, including by developing foundational documents on which to base the NCP's responsibilities. Visit the NCP's website to learn more: <https://bulgariancp.bg/en/>

Source: Bulgarian NCP Annual Reporting Questionnaire (2022)

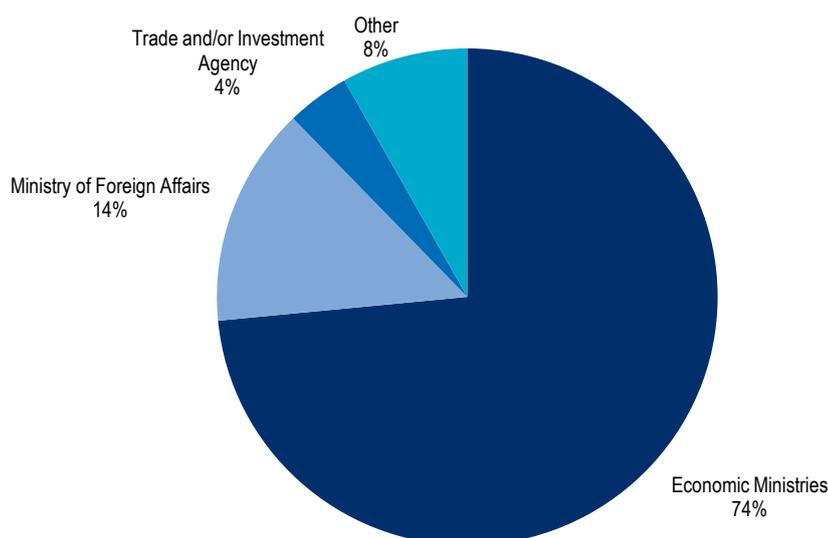
Each Adherent can also decide on the location of its NCP, bearing in mind the core criteria for functional equivalence. This location is either that of the NCP itself (for single-agency NCPs) or, for NCPs that are

set up as committees meeting intermittently (inter-agency, multipartite, expert-based), the location of their permanent office or Secretariat handling the daily management of NCP affairs (receiving inquiries and specific instances, organising or participating in promotional events or promoting policy coherence, preparing NCP decisions, etc.):

- Thirty-six NCPs (73%) were located in Ministries with an economic portfolio (i.e. Ministries of Economy, Trade, Investment, Industry, Business, etc.);
- Seven NCPs (14%) were located in Ministries of Foreign Affairs; and
- Two NCPs (4%) were located in Trade and/or Investment Promotion Agencies.

In addition, the Secretariat of the NCP of Korea is located in a private entity, the Korea Commercial Arbitration Board. The Estonian NCP is located in the Consumer Protection and Technical Regulatory Authority. The NCPs of Croatia and Portugal have split Secretariats between two entities. The Croatian NCP Secretariat is split between the Ministries of Foreign and European Affairs and the Ministry of Economy and Sustainable Development. The Portuguese NCP Secretariat is split between the Ministry of Economy and Maritime Affairs and the Ministry of Foreign Affairs (within AICEP Portugal Global). An overview of NCP locations is shown in Figure 3.1. Data are not available for Greece and Jordan.

Figure 3.1. Location of NCPs



Note: N = 49. Data do not include Greece and Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Rules of procedure

48. Having clear rules of procedure (RoPs) is an important way to ensure a predictable process to resolve cases and to build trust among stakeholders. NCPs have made important progress in this regard over the years. In 2022, 45 NCPs have RoPs in place, of which 44 were available online, a slight increase from 2021 when 42 out of 45 RoPs were available online. Moreover, five NCPs modified their rules of procedure (Australia, Canada, Chile, Finland, Japan). In addition, seven NCPs indicated that they were in the process of or would shortly launch processes to update their Rules of Procedure. Amongst the different updates to the rules, NCPs noted continued learning in the context of handling specific instances, necessitating updates, such as on language to allow for the provision of experts where relevant. NCPs additionally noted the inclusion of stakeholders in their processes to adopt new RoPs. These updates reflect ongoing efforts by many NCPs to ensure a more consistent approach to case-handling across the NCP network, a challenge that was highlighted by the stocktaking exercise of the OECD MNE Guidelines.

Stakeholders as part of the institutional arrangements of NCPs

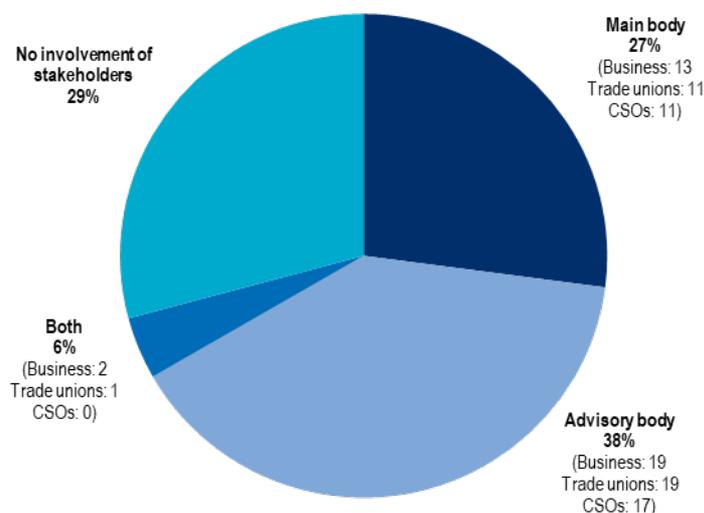
Stakeholders can be formally integrated into the institutional arrangements of the NCP, for example as members of the NCP main body or on the NCPs' advisory or oversight bodies. Including key stakeholders – such as workers' organisations, civil society organisations and the business community – as part of the NCP's institutional arrangement can serve to enhance the expertise available to the NCP and may render it easier to maintain relations with stakeholders, to seek their support, and ultimately to gain and retain their confidence.

The Commentary to the Procedural Guidance recommends that NCPs establish multi-stakeholder advisory and/or oversight bodies. While these do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances, they can provide important advice to the NCP on a range of issues, including general strategy of the NCP, promotional plan, stakeholder engagement, general guidance on handling specific instances (e.g. advice on rules of procedure, updates on cases received and concluded, etc.).

In 2022, 26 NCPs reported having one or more advisory bodies. Compared to 24 NCPs in 2021. Of these, five consisted only of members from different government agencies. Five NCPs (19%) indicated that their advisory body met once a year, ten (38%) met twice a year, one (4%) met three times a year, two (8%) met four times a year, one (4%) met more than four times a year, and six (23%) indicated they meet when/if necessary. The meeting frequency was not specified for one (4%) advisory body.

In 2022, over two-thirds of NCPs (69%), compared to 62% in 2021, involved key stakeholders in their institutional arrangements, of which 13 involved them in their main body, 18 in their advisory body, and 3 in both. Thirty-four NCPs involved business representatives in their structure, 31 NCPs involved trade unions, and 28 involved NGOs. (See an overview of stakeholder inclusion in NCP institutional arrangements in Figure 3.2). This continues to show that NCPs are increasingly including stakeholders in their structure, and thereby creating opportunities for strengthening engagement and building confidence with stakeholders. Nine of these advisory bodies also provided oversight to the NCP (Australia, Austria, Bulgaria, Chile, Lithuania, New Zealand, Slovenia, Switzerland, and the United Kingdom).

Figure 3.2. Stakeholder involvement in NCPs' institutional arrangements



Note: N = 49. Data for 2022 do not include Greece and Jordan
Source: NCP Annual Reporting Questionnaire (2022)

NCP resources

As established by the Decision on the Guidelines, adhering Governments must ensure that their NCP has the human and financial resources to effectively promote the Guidelines and handle the broad range of specific instances that it may receive. In June 2017, the OECD Ministerial Council Statement, entitled “Making globalisation work: better lives for all” committed to “having fully functioning and adequately resourced National Contact Points”. In 2019, the Ministerial Council discussed a Progress Report on National Contact Points for Responsible Business Conduct that presented key facts and figures, as well as recommendations, in relation to that commitment. In 2020, the Report on the 20th anniversary of NCPs also identified appropriate human resources, in terms of numbers, expertise and seniority, as a key factor for the effectiveness of NCPs.²⁸ In particular, the Report noted issues that may arise when an NCP is largely comprised of part-time staff members, such as impacts on stakeholders’ perceptions of impartiality or possible conflicts of interest. Lack of full-time staff could additionally contribute to real or perceived resource constraints, limiting the NCP’s ability to carry out promotion or handle specific instances.

In 2022:

- 15 NCPs reported having staff working both full-time and part-time on NCP matters (compared to 13 in 2021 and 11 in 2020)
- 9 NCPs reported only having staff working full-time on NCP matters (compared to 9 in 2021 and 8 in 2020)
- 23 NCPs reported having only staff working part-time on NCP matters (compared to 25 in 2021 and 2020)

The absolute number of NCP staff members (full-time and part-time) fell by 22% in 2022 to 148, compared to 189 in 2021 and 146 in 2020. Part of this decrease could be explained by the loss of staff attributed to the Uruguayan NCP, which reportedly had 12 staff in 2021, compared to two in 2022. This could be

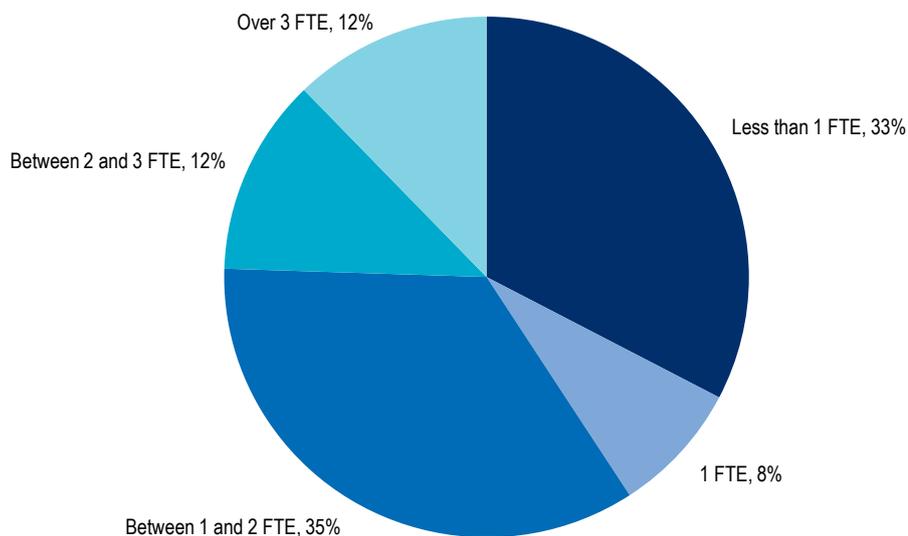
²⁸ OECD (2020), National Contact Points for RBC: Providing Access to Remedy: 20 Years and the Road Ahead <http://mneguidelines.oecd.org/NCPs-for-RBC-providing-access-to-remedy-20-years-and-the-road-ahead.pdf>

explained by a reclassification of NCP staff versus NCP members, which do not always contribute to the NCP function on a daily basis. Many NCPs continue to rely mostly on part-time staff, some of which are unable to dedicate more than 10% of their time to the NCP function. Many NCPs have staff that come in to support only on an *ad hoc* basis. It is therefore difficult to draw conclusions regarding the level of resources available to NCPs from variations in absolute staff numbers. Not considering turnover, NCPs reported the following staff resources in 2022 (Figure 3.3):

- 16 NCPs (33%) had less than 1 full time-equivalent (FTE) staff (<1),
- 4 NCPs (8%) had 1 FTE staff (=1),
- 17 NCPs (35%) had between 1 and 2 FTE staff (>1 to =2),
- 6 NCPs (12%) had between 2 and 3 FTE staff (>2 to =3),
- 6 NCPs (12%) had more than 3 FTE staff (>3)

In 2022, the number of NCPs with less than one FTE staff increased to 33% from 25% in 2021. The number of NCPs with two or more FTEs additionally decreased from 34% in 2021 to 24% in 2022. Overall, NCPs had fewer staff resources in 2022 than in 2021, despite often increasing workloads.

Figure 3.3. FTE staff resources available to the NCP Network in 2022



Note: N = 49. Data do not include Greece or Jordan
Source: NCP Annual Reporting Questionnaire (2022)

In terms of staff turnover, in 2022 70% of NCPs reported some form of staff turnover (loss and/or gain of full- or part-time staff), namely as twenty-nine NCPs reported that a total of 49 new staff members (21 full-time and 28 part-time) had joined (28 reported 72 in 2021), and twenty-seven NCPs reported that a total of 45 staff members (14 full-time and 31 part-time) had left (29 NCPs reported 50 in 2021).

This means that in 2022, the NCP Network relied on a staff where 1/3rd of the members had joined the NCP function during that year. Frequent staff turnover continued to pose a challenge for NCPs in 2022. Staff turnover can create problems to ensure institutional memory and the handling of ongoing specific instances or other activities. Moreover, staff turnover eat into NCP resources as time is needed for training new staff. Frequent turnover can be damaging for stakeholder relations, as contacts will need to be re-established regularly, especially for NCPs that have one or less than one staff.

Regarding financial resources in 2022:

- 23 NCPs had access to a dedicated budget for their activities (compared to 21 in 2021).
- Out of the 26 NCPs that did not have access to a specific budget, 13 reported that financial resources were available on an ad hoc basis for promotional activities, and eight reported that financial resources were available on an ad hoc basis for specific instances. Six NCPs reported financial resources available on an ad hoc basis for both promotional activities and specific instances.

With regards to whether human and financial resources were sufficient to cover various activities, eighteen (37%) NCPs indicated that they did not have sufficient resources to deliver all of their responsibilities effectively. In particular, four NCPs did not have enough resources to handle specific instances in a timely manner (compared to three in 2021 and four in 2020), nine did not have enough resources to organise promotional activities (compared to four in 2021 and six in 2020), five could not attend NCP meetings at the OECD (compared to one in 2021), and seven did not have enough resources to attend events organised by other NCPs.

Insufficient human and financial resources remained a major concern for NCPs in 2022. While NCPs have reported increased caseloads in recent years, with over 150 specific instance updates (i.e. reports from NCPs to the Secretariat that a case had been received, concluded or followed up on, or that an initial assessment had been performed) reported in 2021 and 2022, this increase has not been commensurate with the human and financial resources, which decreased for many NCPs. Continued impacts from the Covid19 crisis were reported in 2022, with some adherent countries still under Covid19-related restrictions in 2022, and other NCP staff still working on post-covid recovery. One NCP also reported that one of its staff had been transferred for four months to a different department handling the consequences of the Russian invasion of Ukraine. Facing limited resources, NCPs again reported being confronted by a trade-off between handling specific instances and promotional activities. As they often share their time as actors in the RBC policy space, NCPs additionally noted resource constraints related to additional demands from the RBC agendas in their countries, such as on National Action Plans and the EU draft directive on Corporate Sustainability Due Diligence (see below, section on Policy coherence) While policy coherence in RBC has been increasingly on the NCP agenda, and notably recognised on an international level with the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct,²⁹ NCP resources are not reflective of these developments.

Reporting

As part of the core criteria for functional equivalence, NCPs are required to be accountable. Under the Procedural Guidance, NCPs must report annually to the OECD and may communicate on a regular basis to Government and/or Parliament. Such reporting can be an important means to raise the internal profile of NCPs within their Governments and to ensure that budgetary challenges that the NCPs may face can be addressed. In 2022:

- Thirty-nine NCPs reported on their activities to their Government, and eleven reported to Parliament.
- All except two adherents (Greece and Jordan) reported on their activities in 2022 to the OECD. This was also the case for Jordan in 2021, 2020, and 2019. The NCP of Jordan is therefore in breach of the requirement to report to the Investment Committee for the fourth year in a row. The NCP of Greece reported on its activities in 2021 only for the months of January and February.

²⁹ See : <https://mneguidelines.oecd.org/oecd-recommendation-on-the-role-of-government-in-promoting-rbc.htm>

Attendance to meetings of the Network of NCPs

NCPs are required to meet regularly to share experience, in particular by attending the two annual meetings of the NCP Network at the OECD.

The COVID-19 pandemic continued to affect the NCP Network meetings and the ability of NCP delegates to travel in 2022. The two NCP Network meetings in 2022 were therefore organised in hybrid format, allowing for the participation of NCP delegates that would otherwise be unable to travel. The June 2022 NCP meeting was the first NCP meeting allowing for in-person participation since 2019. A total of 46 NCPs attended the meeting of the NCP Network in June and 40 NCPs attended the meeting in November, compared to 40 NCPs present at both meetings in 2021. Four NCPs (Finland, Greece, Slovenia, and Uruguay) did not attend either of the two NCP meetings in 2022, compared to five in 2021 (Greece, Jordan, Latvia, Slovenia, and Uruguay), and four in 2020 (Egypt, Jordan, the Slovak Republic, and Slovenia). The Slovenian NCP has therefore not attended an NCP Network meeting since 2019.

4 Promotion of the Guidelines

Ensuring that NCPs are visible requires sustained efforts to raise awareness among the business community, worker organisations, civil society organisations and other interested parties. An important function of NCPs is to promote awareness of the OECD Guidelines and the due diligence guidance that offers tools to the private sector on how to do business responsibly. In line with this function, over 2022, many NCPs met with stakeholders across government, business, trade unions, academia and civil society to promote the OECD Guidelines and due diligence guidance.

Translation of RBC documents

To facilitate the broad uptake of the Guidelines, the OECD Secretariat again worked with the NCPs over the course of 2022 to provide translations to a variety of documents, translating in-house with NCPs assistance in reviewing. Translation review work in 2022 was supported by the Brazilian NCP. Translations included:

- Guide for NCPs on the initial assessment of specific instances into Portuguese;³⁰
- Guide for NCPs on confidentiality and campaigning when handling specific instances into Portuguese;³¹
- Guide for NCPs on recommendations and determinations into Portuguese;³²
- Guide for NCPs on coordination when handling specific instances into Portuguese;³³
- Guide for NCPs on structures and activities into Portuguese;³⁴
- Guide for NCPs on follow up to specific instances into Portuguese;³⁵
- Practical actions for companies to identify and address the worst forms of child labour in mineral supply chains into Portuguese;³⁶

³⁰ Available: <https://mneguidelines.oecd.org/guide-for-national-contact-points-on-the-initial-assessment-of-specific-instances-portuguese.pdf>

³¹ Available: <https://mneguidelines.oecd.org/guide-for-ncps-on-confidentiality-and-campaigning-when-handling-specific-instances-portuguese.pdf>

³² Available: <https://mneguidelines.oecd.org/guide-for-national-contact-points-on-recommendations-and-determinations-portuguese.pdf>

³³ Available: <https://mneguidelines.oecd.org/guide-for-ncps-on-coordination-when-handling-specific-instances-portuguese.pdf>

³⁴ Available: <https://mneguidelines.oecd.org/guide-for-ncps-on-structures-and-activities-portuguese.pdf>

³⁵ Available: <https://mneguidelines.oecd.org/guide-for-national-contact-points-on-follow-up-to-specific-instances-portuguese.pdf>

³⁶ Available: <https://mneguidelines.oecd.org/practical-actions-for-companies-to-identify-and-address-the-worst-forms-of-child-labour-in-mineral-supply-chains-portuguese.pdf>

- Initial assessment template for NCPs into Portuguese;³⁷
- Final report/statement template for NCPs into Portuguese;³⁸
- OECD Guidelines for Multinational Enterprises into Portuguese (done by the Brazilian and Portuguese NCPs);³⁹
- OECD due diligence guidance for meaningful stakeholder engagement in the extractive sector into Portuguese.⁴⁰

Providing access to remedy: 20 years and the road ahead (Portuguese⁴¹ and Spanish⁴²) and the Guide for NCPs on the rights of indigenous peoples when handling specific instances (Portuguese⁴³) were also translated in 2022 but were not reviewed by NCPs.

Promotional plans

In light of complex national contexts and increasing resource limitations on NCP, promotional planning has been identified as best practice within the NCP Network.⁴⁴ Strategic promotion and meaningful stakeholder engagement allow NCPs to identify their context-specific priority areas and allocate resources efficiently. A promotional plan may consist of overarching goals for the NCP, quarterly goals, or target setting for promotion. The plan may further include a calendar of planned or anticipated events and designated methods for measuring awareness among stakeholders. There is no standard for an NCP promotional plan so NCPs have flexibility to create one based on individual needs.

A total of 28 NCPs (57%) reported having a promotional plan in place for after 2022, setting out target audiences and activities over the coming years. This number represents a decrease compared to the previous two years (30 NCPs (63%) reported having a promotional plan in 2021, and 31 NCPs (65%) reported having a promotional plan in 2020).

Promotional events

In 2022, 35 NCPs organised or co-organised 207 events. This showed a 50% increase in events organised or co-organised as compared to 2021, which had 138 such events (See Figure 4.1). This was additionally the highest number of events organised or co-organised by NCPs since consistent monitoring of the data

³⁷ Available in the Communities Portal of the NCP Network

³⁸ Available in the Communities Portal of the NCP Network

³⁹ Available: <https://www.gov.br/produtividade-e-comercio-exterior/pt-br/assuntos/camex/pcn/produtos/outros/diretrizes-da-ocde-edicao-completa-em-portugues-versao-final.pdf>

⁴⁰ Available: https://www.oecd-ilibrary.org/governance/guia-da-ocde-de-devida-diligencia-para-o-envolvimento-significativo-das-partes-interessadas-no-setor-extrativo_ec7f60a0-pt

⁴¹ Available: <http://mneguidelines.oecd.org/ncps-for-rbc-providing-access-to-remedy-20-years-and-the-road-ahead-portuguese-version.pdf>

⁴² Available : <http://mneguidelines.oecd.org/proporcionando-acceso-a-la-reparacion-20-anos-y-el-camino-por-recorrer.pdf>

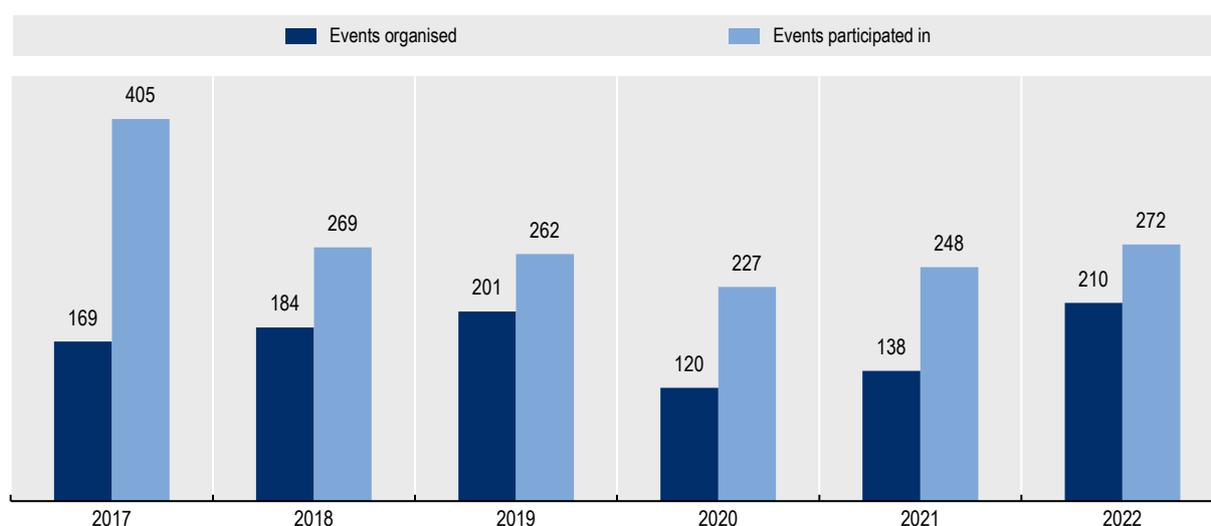
⁴³ Available: <http://mneguidelines.oecd.org/guia-para-pontos-de-contato-nacionais-sobre-os-direitos-dos-povos-indigenas-no-tratamento-de-instancias-especificas.pdf>

⁴⁴ Supporting materials for NCP promotional planning are available in the Communities Portal of the NCP Network

began. Furthermore, with 35 NCPs involved, 2022 was a record year for NCPs involved in event (co-)organisation. Detailed information on individual NCP promotional activity can be found in Annex B.

In addition to organising or co-organising events, 35 NCPs reported taking part in a total of 272 events organised by others, during which they participated in presentations, panels, academic lectures, and discussions (Figure 4.1). This shows both an increase in the number of NCPs participating in events organised by others, and an increase in number of events in which NCPs participated compared to previous years. This would suggest a continued recovery of NCPs following pandemic-induced low promotion levels in 2020 and 2021. No data are available for Greece or Jordan.

Figure 4.1. Promotional events organised by or involving NCPs (2017-2022)



Note: Data do not include Greece or Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Of the 272 events organised by other actors in which NCPs participated, there was a range of different organisers. For example, NCPs reported attending events organised by academic institutions, businesses and business organisations, government ministries or agencies not represented within the NCP, international organisations, bar associations and schools, NGOs, and the OECD itself.

In the context of the ongoing Covid-19 recovery, NCPs organised 91 (49%) in-person promotional events in 2022, an increase from 2021, when only 27% of events were reported with a physical location. This included conferences, meetings with government officials or stakeholders, and university lectures. However, many promotional events organised remained virtual or held a virtual component: 87 (47%) were online and 7 (4%) were hybrid. Activities included online webinars, trainings, and meetings with stakeholders. Fourteen NCPs (29%) reported having conducted training on the Guidelines aimed at businesses during the year. NCPs additionally continued to use social media for promotion (See Box 4.1 below).

Box 4.1. NCP promotion and social media

In 2022, twenty-four NCPs (48%) reported using social media to communicate on NCP promotional activities during the year, compared to 54% in 2021. This included developing materials to promote the NCP and the Guidelines to be shared on social media pages of relevant partners, announcing the conclusion of specific instances on social media, sharing information and details for upcoming promotional activities, and sharing the links for the public consultation of the targeted updates to the Guidelines. See the USNCP specific instance statement announcement on Twitter below.



NCPs reported both having their own individual social media platforms and utilising the platforms of their related government ministry or other relevant partner. In 2022, NCPs reported the use of Instagram, LinkedIn, and Twitter.

Source: NCP Annual Reporting Questionnaire (2022)

Overall, promotional events addressed a broad range of topics including, recent developments in RBC, SMEs and RBC, anti-corruption, labour rights, Indigenous Peoples Rights. NCPs also organised events with a more general focus, aiming to introduce the Guidelines, Due Diligence Guidance, and the NCP mechanism. See an example of a promotional event in which the Ukrainian NCP participated in Box 4.2 below. In 2022, 29 NCPs (59%) hosted an annual meeting with stakeholders, an increase from 28 (56%) NCPs in 2021, and 24 in 2020.

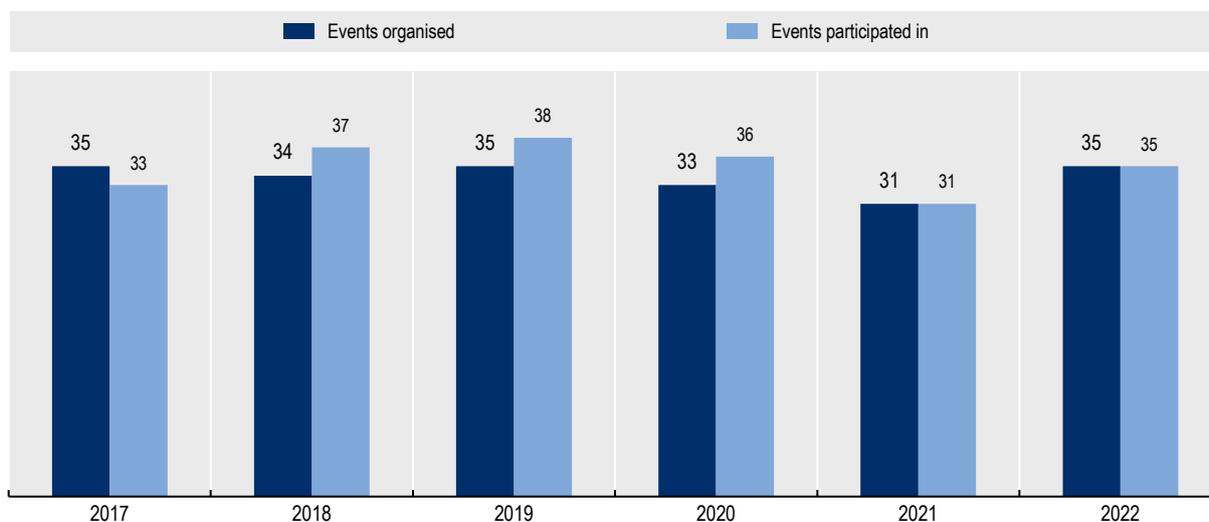
Box 4.2. Ukrainian NCP participates in business and human rights conference focused on related problems and solutions during the war and in post-war reconstruction

On 12 December 2022, the Ukrainian NCP provided the opening speech at a scientific and practical conference in the framework of the All-Ukrainian competition of scientific works focused on business and human rights in Ukraine, including on problems and solutions during the war and post-war reconstruction. The conference was organised by the UNDP, Secretariat of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, i.e. the office for analytics and advice.

Source: NCP annual reporting questionnaire (2022)

As shown in Figure 4.2, 2022 showed an increase in both NCPs that organise or co-organise promotional events, and NCPs that participate in promotional events as compared to 2021. Engagement levels from the NCP Network are comparable to pre-covid numbers.

Figure 4.2. Number of NCPs that organised or participated in events (2017-2022)



Note: N for 2022 = 49. Data do not include Greece or Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Six NCPs did not organise, co-organise, nor participate in any promotional event (Belgium, Egypt, Iceland, Israel, Mexico and the Slovak Republic) compared to ten in 2021 (including already Iceland and Slovak Republic). There is notable overlap between the NCPs that did not conduct any promotion and the NCPs that have not received specific instances in the last five years. The list includes the NCPs of Egypt, Iceland, Mexico, and the Slovak Republic. No data are available for Greece and Jordan. Combined also with the increase in the number of NCPs participating in promotion, and an increase in the number of promotional events, this would suggest a possible decrease in the gap that was reported in previous years between active and inactive NCPs in terms of addressing their promotional responsibility.

Promotion of due diligence

In addition to their responsibility to promote the OECD Guidelines, many NCPs additionally promote the OECD due diligence guidance. This Guidance seeks to promote a common understanding amongst governments and stakeholders on due diligence for RBC. In 2022, NCPs contributed to the dissemination of due diligence guidance tools and active use by enterprises. (See Box 4.3). Further information on NCP promotion of due diligence is available in the section on Policy coherence.

Box 4.3. Example events organised or co-organised by NCPs relating to due diligence guidance

In 2022, many NCPs organised or co-organised activities to promote due diligence. NCPs have continued to leverage their role as authoritative sources of information on RBC to support governments and companies in their due diligence strategies.

- The NCPs of Chile, Costa Rica, Czech Republic, France, Germany, Peru, Switzerland and the United Kingdom organised or co-organised events related to the promotion of due diligence.
- The NCPs of Argentina, Brazil, Denmark, Finland, Ireland, Italy, Kazakhstan, Luxembourg, the Netherlands, Norway, Peru, Portugal, Sweden, and the United States participated in events hosted by others on the topic of due diligence.

Related NCP events have included:

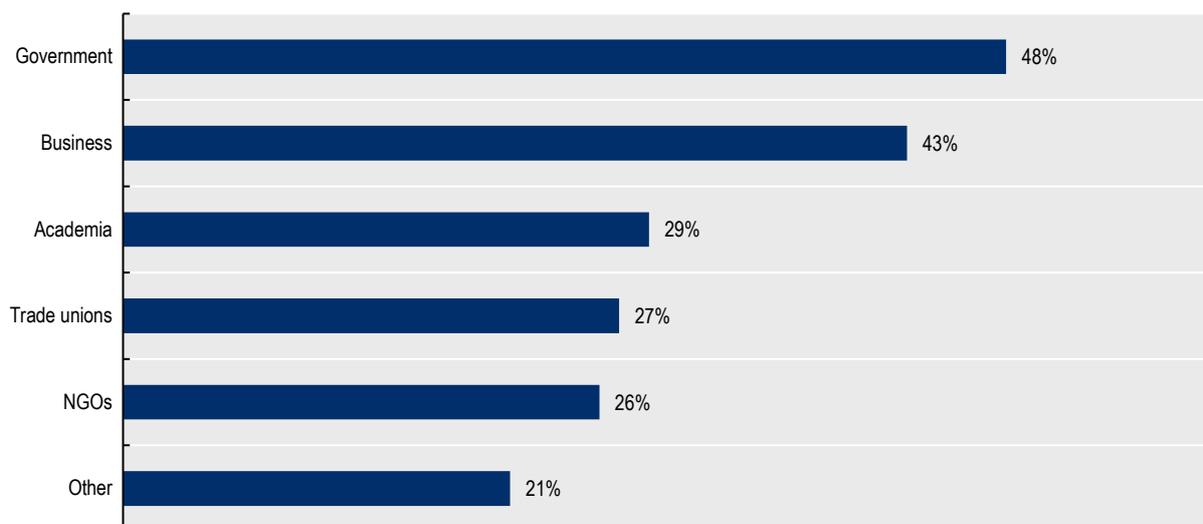
- Between January and March 2022, the French NCP organised or co-organised 14 promotional events on due diligence guidance. Events covered themes such as: Tools for due diligence organised by Compliances magazine, OECD Guidelines on due diligence, international work on due diligence, Evolution of Due Diligence in the European Union and NCP activities on Due Diligence.
- In April 2022, the Costa Rican NCP organised a conference for government and business representatives to promote the due diligence process for SMEs.
- In October 2022, the German NCP co-organised a conference with an audience of over one hundred, targeting government representatives, business representatives, trade unions, academia, and NGOs to delve into the Guidelines, Due diligence in enterprises and the Act on Corporate Due Diligence Obligations in Supply Chains.
- In December 2022, the Czech NCP co-organised a conference with an audience of over one hundred business representatives on resilient supply chains and Due Diligence.

Source: NCP Annual Reporting Questionnaire (2022)

Target audiences in NCP promotion

In 2022, 63% of reported events organised or co-organised by NCPs were targeted to a multi-stakeholder audience, representing an increase from 54% in 2021. Government representatives were the most often targeted audience with 48% of events including government as at least one part of the target audience. Businesses were second most targeted with 43% of events including business as a target audience (Figure 4.3). Government and business have been the most often targeted stakeholder groups in NCP promotion in the last few years. This may indicate that NCPs are promoting most often to stakeholders that they might have more frequent contact with, for example due to the Secretariat location, as opposed to reaching out to other stakeholder groups. Academia (29%), Trade unions (27%). And NGOs (26%) were all included as part of the target audience in just over a quarter of all events. Twenty-one percent of events targeted 'other' stakeholder groups including, legal professionals, experts from other international organisations, and representatives of G7 states.

Figure 4.3. Target audience at NCP events organised or co-organised by NCPs



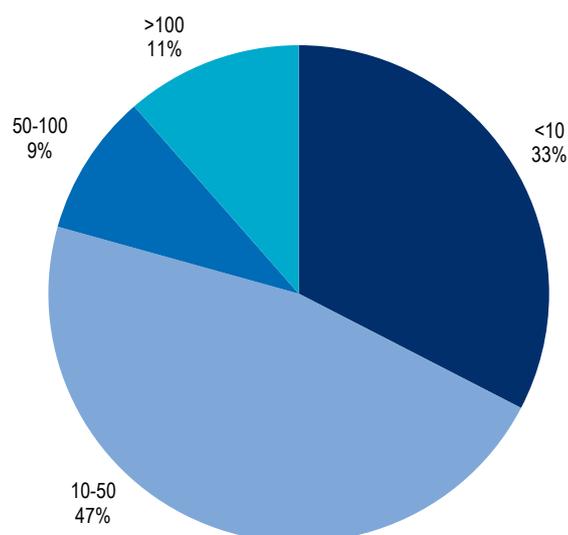
Note: N = 203. Data do not include Greece or Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Size of audiences in NCP promotion

In 2022, a plurality of events organised or co-organised by NCP had an audience of ten to fifty participants (47%), followed by events with less than ten participants (33%). Events with over 100 participants accounted for 11% of events, and 9% of events had fifty to 100 participants (Figure 4.4). This represents a decrease in events with fewer than ten participants, down from 38% in 2021, and an increase in events with audiences of ten to fifty, up from 37% in 2021. Rates of events with over fifty and over 100 participants have remained stable since 2021. The changes in audience size suggest an increase in average audience size for NCP events, even since before the pandemic when a plurality of events (40%) was held with fewer than ten participants, thereby also suggesting an increase in the outreach and impact of promotion by NCPs.

Figure 4.4. Size of audience at NCP events



Note: N = 203. Data do not include Greece or Jordan

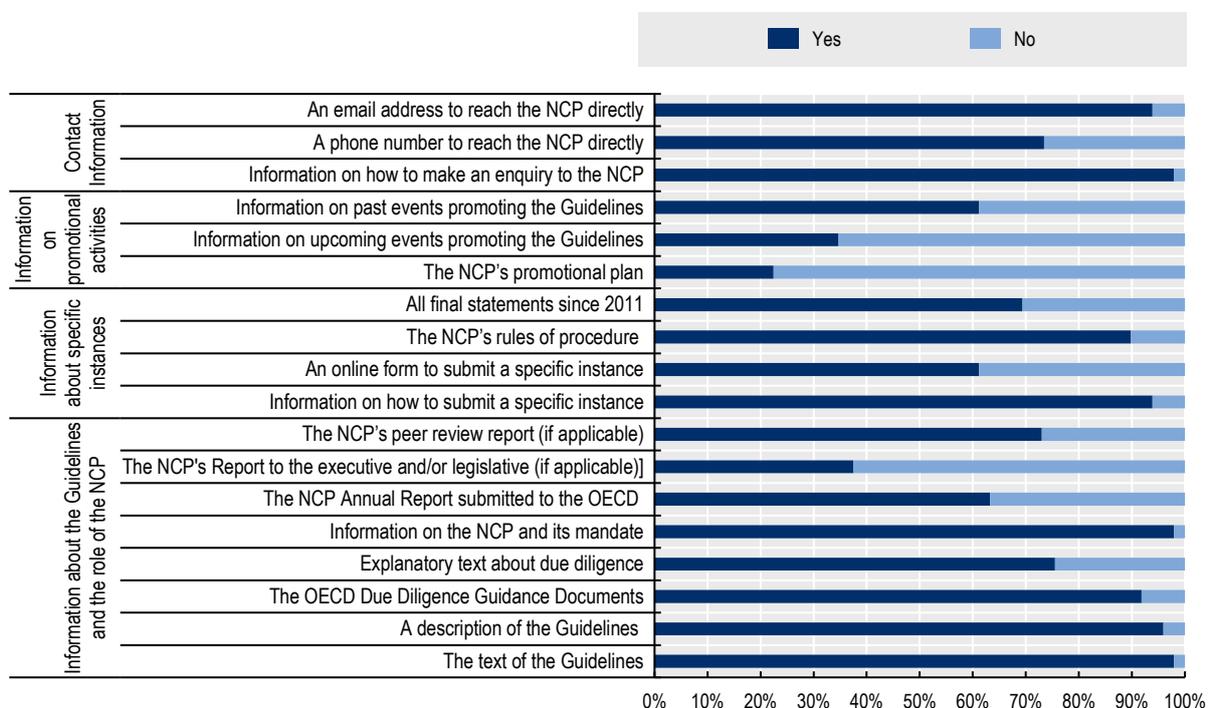
Source: NCP Annual Reporting Questionnaire (2022)

NCP websites

Although there is currently no specific requirement for NCPs to have a website, an important aspect of being visible is online presence through a dedicated website where rules of procedures and regular updates about NCP activities and specific instance outcomes are made public. For many stakeholders, NCP websites have served as a principal point of contact for submitting specific instances.

All forty-nine reporting NCPs have dedicated websites or dedicated webpages that provide information about the Guidelines and the NCP. An overview of the items available on NCP websites is shown in Figure 4.5. Available materials were generally similar to 2021, though showing progressive upgrades, for example as sixty-one percent of NCPs included an online form to submit a specific instance in 2022, an increase from 54% in 2021.

Figure 4.5. Items available on NCP websites



Note: N= 49. Data for 2022 do not include Greece and Jordan

Source: NCP Annual Reporting Questionnaire (2022)

Policy coherence

Recent years have shown an increase in RBC as a priority area for governments, as further solidified by the 2022 OECD Recommendation on the Role of Government on Promoting Responsible Business Conduct [OECD/LEGAL/0486], as mentioned in the section on NCP resources. This Recommendation, which recognises the role that NCPs can play in promoting policy coherence for RBC, as well as national and domestic legislation could further impact the role of NCPs in supporting RBC policy coherence.

In February 2022, the European Commission adopted a proposal for a Directive on corporate sustainability due diligence (CSDDD).⁴⁵ Twenty-five NCPs belong to the European Union and certain companies in

⁴⁵ See: https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en

these countries would have a duty to conduct corporate due diligence under the directive. Given the increasing priority due diligence is gaining on the agenda of many RBC-policy areas, NCPs have organised, co-organised, and participated in promotional events specifically relating to the CSDDD. Austria, Costa Rica, Denmark, Finland, France, Germany, and Luxembourg held or participated in events focusing on the proposed Directive.

In recognition of the impact of the CSDDD and other national level legislation being introduced on due diligence, the NCPs of Denmark and the Netherlands hosted a side session following the November 2022 meeting of the NCP Network. The session focused on the implications for NCPs under these new legislations and their role in promoting the Guidelines and due diligence guidance. The session comprised of an informal exchange for interested NCPs to share with each other on risks and opportunities associated with the legislations and suggestions for possible coordinated actions by NCPs in the future.

Some NCPs additionally were given a role in the context of National Action Plans. NCPs organised promotional events relating to the development and implementation of National Action Plans on RBC and related topics. NCPs additionally participated in events organised by others on the topic, including to discuss the role of the NCP. In 2022, the NCPs of Brazil, France, Switzerland, Türkiye, and the United States reported specific events, organised or participated in, relating to National Action Plans. In 2022, three NCPs indicated that their country had adopted a National Action Plan that year, all of which related to Business and Human Rights. All three NAPs contained references to both the Guidelines and NCPs, and the relevant NCPs were all involved in the development of the NAPs. In Brazil, the NCP was particularly involved in developing the National Action Plan on Responsible Business Conduct published by the Ministry of Economy (MDE) of Brazil (see Box 4.4).

Box 4.4. National Action Plan on Responsible Business Conduct (PACER) - Brazil

NAP on RBC published by Brazil in December 2022.

The NAP on RBC, PACER, was published by the former Ministry of Economy of Brazil in December 2022. The PACER focuses on the implementation of the Guidelines, and incorporates the OECD RBC Policy Review of Brazil. The plan further elaborates the role of the Brazilian NCP in its implementation. The plan contains six thematic areas:

- Human rights
- Employment and labour relations
- Environment
- Anticorruption
- Consumer interests
- Competition



Each thematic area additionally contains sub-categories.

The NCP was central in developing the plan and notably led on stakeholder consultations with the support of the OECD Secretariat. The 2022 [RBC Policy Review of Brazil](#), conducted by the OECD Secretariat was also instrumental as a baseline analysis for the PACER.

Note: See the OECD RBC Policy Review of Brazil: <https://mneguidelines.oecd.org/oecd-responsible-business-conduct-policy-reviews-brazil.pdf>

Source: <https://www.gov.br/produktividade-e-comercio-exterior/pt-br/assuntos/camex/pcn/produtos/outros/pacer-8-12.pdf> (Portuguese)

In 2022, seven NCPs (14%) indicated that the Guidelines had been referred to in national legislation, regulation, or policies adopted during the year. This included documents relating to corporate due diligence in supply chains, supporting companies abroad, public procurement, and human rights and modern-day slavery.

5 Peer reviews, capacity building and peer learning

In November 2021, the WPRBC approved the Third [Action Plan to Strengthen National Contact Points \(2022-2024\)](#) (January – December 2022). The Action Plan aims to build capacity at all NCPs on key aspects of the NCP mandate, and in this regard is an important driver of functional equivalence across the NCP network, and contains four overarching objectives, which are each tied to specific actions facilitated by the OECD Secretariat, timelines, and progress indicators:

- Peer review the entire NCP Network
- Visibility, stakeholder engagement and confidence
- Effective and efficient handling of specific instances
- Providing access to expertise in the NCP Network

Figure 5.1. Objectives of the Action Plan to Strengthen NCPs (2022-2023)



Source: <https://mneguidelines.oecd.org/action-plan-to-strengthen-national-contact-points-for-responsible-business-conduct%202022-2024.pdf>

As a transversal action to help NCPs build further capacity, the Action Plan will also support the creation and strengthening of Regional Networks of NCPs. These networks will enable NCPs from the same region to address together issues of joint interest, and assist each other where needed.

This section presents an overview of activities conducted under the Action Plan in 2022, and of other capacity-building activities. Contrary to the years 2020 and 2021, in which the COVID-19 pandemic had required the Secretariat to organise most activities under the previous Action Plan remotely and online, in 2022 most activities, including peer review onsite visits and NCP network meetings in June and November could resume in person.

Peer reviews

NCP peer reviews offer an important opportunity to evaluate and share the internal workings of an NCP and any barriers the NCP may face in fulfilling its mandate, as well as achievements and good practices in this regard. The peer reviews also include an examination of the NCP's procedures and approach to handling of specific instances which can help improve consistency going forward.

Peer reviews are an evaluation tool frequently used by the OECD across a variety of policy areas. They are defined as the “*systematic examination and assessment of the performance of a State by other States, with the ultimate goal of helping the reviewed State improve its policy making, adopt best practices, and comply with established standards and principles.*”⁴⁶ The 2011 Procedural Guidance requests the Investment Committee, assisted by the Secretariat, to ‘facilitate peer learning activities, including voluntary peer evaluations [...]’ of NCPs.⁴⁷

The goal of NCP peer reviews is to ‘promote functional equivalence of all NCPs, and to ensure that the network of NCPs operates to its full capacity in helping implement the Guidelines.’⁴⁸ To this end, peer reviews:

- Evaluate institutional arrangements and their adequacy *vis-à-vis* the mandate set out in the Guidelines (e.g. being adequately resourced; retaining the confidence of stakeholders; being headed by a senior official);
- Assess alignment with the core criteria for functional equivalence (visibility, accessibility, transparency, accountability)
- Assess performance against the mandate of NCPs to promote the Guidelines, handle enquiries, handle specific instances and report. In particular, the peer review will assess whether NCPs handle specific instances in a way that is impartial, predictable, equitable and compatible with the Guidelines;
- Make recommendations as appropriate.⁴⁹

Peer reviews are a unique opportunity for governments to learn from others and review the practices of their NCPs through a systematic process. They are voluntary, but in recognition of their importance, at the June 2017 OECD Ministerial Council Meeting (MCM), governments committed “*to having fully functioning and adequately resourced National Contact Points, and to undertake a peer learning, capacity building exercise or a peer review by 2021, with a view to having all countries peer reviewed by 2023.*”

Since 2015, peer reviews have been carried out using a Core Template for assessing NCP performance during peer reviews, which was revised in 2019.⁵⁰ An overview of findings in peer reviews conducted during the past five is available in Annex C.

In 2022, the WPRBC discussed the final peer review reports of six NCPs:

- the Australian, Irish and Swedish NCPs at the March 2022 meeting;
- the Brazilian, Slovenian, and Spanish NCPs at the October 2022 meeting.

Seven peer review visits took place overall in 2022 (Brazil, Spain, Slovenia, Luxembourg, Morocco, Peru, New Zealand). This number represents a significant increase compared to previous years (e.g. five visits overall in 2019-2021) and the highest number of peer review visits per year since their launch in 2009.

⁴⁶ OECD (2003), *Peer Review: An OECD Tool for Co-operation and Change*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264099210-en-fr>, p. 9.

⁴⁷ OECD Guidelines for Multinational Enterprises (2011), Procedural Guidance, section II, para. Five c).

⁴⁸ OECD (2019) ‘[National Contact Points Peer Reviews: Core Template](#)’, p. 7.

⁴⁹ *Id.*, para. 9.

⁵⁰ OECD (2021), [National Contact Point Peer Reviews: Core Template](#).

One visit (Brazil) had to be organised virtually due to restrictions linked to the sanitary situation. The peer review teams were composed of 19 NCPs overall (see Table 5.1), along with representatives of the OECD Secretariat.

Table 5.1. Peer review teams for visits organised in 2022

NCP under review	Timing of visit	Peer reviewer NCPs
Brazil	March	Argentina, Germany, United Kingdom
Spain	April	Morocco, Netherlands, Slovenia
Slovenia	May	Austria, Hungary, United States
Luxembourg	September	Iceland, Latvia, Switzerland
Morocco	October	France, Poland, Türkiye
Peru	November	Norway, Portugal
New Zealand	December	Australia, United Kingdom

Source: OECD (2023)

At the end of 2022, 27 NCPs had been peer reviewed, seven peer reviews were ongoing, and seven more reviews were scheduled by the end of 2023. Five NCPs are planned to undergo their peer review in 2024, and five countries remain to commit to a peer review of their NCP, including three OECD members, and one country which revoked its commitment (see Table 5.2).

Table 5.2. State of affairs of peer reviews as of end 2022

Peer review complete	On-site visit complete in 2022	Peer review scheduled to take place in 2023	Peer review to be scheduled in 2024	Not committed
Argentina	Luxembourg	Czech Republic	Colombia***	Finland*****
Australia	Morocco	Slovak Republic	Greece****	Mexico*****
Austria	Peru	Latvia	Romania	Israel*****
Belgium	New Zealand	Portugal	Tunisia	Egypt
Brazil		Poland	Ukraine***	Jordan
Bulgaria*		Estonia		
Canada		Hungary		
Chile		Kazakhstan		
Costa Rica*		Türkiye		
Croatia*		Iceland		
Korea				
Denmark				
France				
Germany				
Ireland				
Italy				
Japan				
Lithuania*				
Netherlands				
Norway				
Slovenia				
Spain**				
Sweden				

Switzerland				
United Kingdom				
United States				
Uruguay*				

Note:*Underwent significant reviews as part of the process of accession to the OECD or capacity building exercises for the NCP pursuant to adherence to the Guidelines

**Pending publication of the final peer review report

*** Commitment made pending availability of funding

****Pending confirmation of new timeline

*****OECD Member Country

Source: OECD, [National Contact Point Peer Reviews](#)

Capacity-building exercise for the Croatian and Uruguayan NCPs

Croatia and Uruguay undertook capacity-building exercises for their NCP in 2022 following their adherence to the Declaration on International Investment and Multinational Enterprises (the Declaration) in October 2019 and February 2021 respectively. Both exercises included i) a public conference with external stakeholders and virtual opening remarks by the WPRBC Chair, and ii) closed sessions of technical assistance to the NCP.

By way of background, the Council agreed to invite Croatia and Uruguay to adhere to the Declaration and related legal instruments subject to undertaking a capacity building exercise for their NCP one year after adherence, with the support of the Secretariat.⁵¹ Due to delays linked to the Covid19 crisis, both exercises took place in 2022.

Croatian NCP

The capacity-building exercise for the Croatian NCP took place in Zagreb on 7 June 2022. It included a public conference that served as the official launch of the NCP in Croatia and raised the NCP's visibility with representatives of government, business, trade unions and CSO representatives. The conference notably included i) opening remarks by State Secretary Mikuš Žigman from the Ministry of Economy and Sustainable Development and Ivana Živković Director for Economic Affairs and Development Cooperation, Ministry of Foreign and European Affairs on the importance of Croatia's adherence to the Guidelines ii) an introduction to OECD RBC standards covering, among others, due diligence in respect of climate risks, and iii) a roundtable with stakeholder representatives on challenges, opportunities and expectations for RBC in Croatia. The NCP Secretariat and NCP External Body members then participated in a closed session regarding the information and promotion activities and plans of the NCP, and an overview of challenging aspects of the various stages of the specific instance process. NCP members reflected on the implementation of the NCP's Rules of Procedure (RoP) through discussion of hypothetical scenarios.

Uruguayan NCP

The capacity-building exercise for the Uruguayan NCP took place in Montevideo on 29 November 2022. Representatives of different stakeholder groups were invited to a public conference, which included i) opening remarks by Juan Labraga, Director of Trade Policy at the Ministry of Economy and Finance; ii) two roundtable discussions on the Uruguayan NCP and the relevance of OECD RBC standards for Uruguay. A closed session then provided the NCP Secretariat with practical proposals and tools on promotion and the specific instance procedure. On 30 November 2022, the Uruguay NCP, the National

⁵¹ [C\(2019\)74](#), para. 28.c.i; [C\(2020\)149](#), para. 41.b.

Human Rights Institution (NHRI) and the OECD co-organised a multi-stakeholder roundtable on Challenges, opportunities and perspectives to advance responsible business conduct in Uruguay with the high-level participation of the EU Delegation to Uruguay. The event gathered key representatives from Uruguayan businesses, government, CSOs, unions and academia on promoting the broader uptake of high environmental and social standards of business at the local level.

Peer learning

This section presents the main peer learning activities organised by the Secretariat for the NCP network in 2022 around the main themes of the Action Plan. Most activities were held in the context of the two meetings of the NCP network held in Paris in June and November 2022.

Visibility, stakeholder engagement and confidence

The Action Plan foresees actions aimed at making NCPs better known and better trusted in the different communities of stakeholders (business, trade unions, civil society, etc.), and ultimately increase the reach and impact of NCPs.

Peer-learning on promotional plans and promotional and stakeholder engagement handbook for NCPs

Promotional activity is an essential part of the NCP mandate to further the effectiveness and uptake of the Guidelines and related due diligence guidance. It also allows NCPs to be visible, accessible and transparent, as well as to create regular engagement and build confidence with Stakeholders. However, the Implementation Procedures do not contain many provisions specific to how NCPs can achieve their promotional responsibilities. In June 2022, NCPs held a peer-learning session on promotional planning, and in particular on how to strategically plan and deliver promotional activities in light of limited resources. Building on this discussion, at the November 2022 the Secretariat presented a promotion and stakeholder engagement handbook that consolidates and optimises the use of existing promotion and communication tools, share best practices in promotion, provides tools to assess country specific promotional needs, provide a starting point for the development of promotional plans, and address the importance of utilising multiplier organisations in promotion.

Dialogue with stakeholders on substantive issues

At the November meeting of the NCP network NCPs held a dialogue with institutional stakeholders (BIAC, TUAC, OECD Watch), who were invited to focus on respective updates and to raise substantive issues they have seen emerging in their recent practice and which they would suggest NCPs focus on in the future, for the purpose of promotion, training, peer learning or capacity-building.

Stakeholders discussed procedural aspects of the specific instance process, but also new challenges for NCPs moving forward such as, an increasing share of low-wage work, lack of protection for the hospitality sector under the Guidelines, the digital transformation, the Just Transition, safety concerns for human rights defenders, greenwashing, and impacts going beyond the scope of traditional human rights. These topics will be fed into future capacity-building activities for NCPs.

Implications for NCPs of legislative developments

Several legislative developments around mandatory due diligence have been taking place in recent years in several countries and regions, with laws being passed in France, Germany, Norway, the UK and Australia among others, or being considered such as in the European Union. All these legislations have

the potential to impact how NCPs may discharge their mandate. To discuss such implications and support NCPs that would like to get involved in policy discussions on these topics, a webinar was organised in March 2022, and an informal meeting was organised in the margins of the November meeting of the NCP network, in collaboration with the Dutch and Danish NCPs.

Effective and efficient handling of specific instances

The Action Plan foresees actions to improve the effectiveness and efficiency with which NCPs handle specific instances, notably with a view to shortening timelines, improving accessibility, and fostering better outcomes.

Guide for NCPs on parallel proceedings in specific instances

Parallel proceedings have been identified by National Contact Points for Responsible Business Conduct (NCPs) as a recurring issue and often a challenge for the effective handling of specific instances. Therefore, at the November 2022 meeting of the NCP network, NCPs discussed a draft Guide prepared by the Secretariat that provides an overview of applicable provisions in the implementation procedures, as well as data and trends on the prevalence and implications of parallel proceedings in recent specific instances. The Guide also identified relevant challenges and opportunities as well as practical approaches to parallel proceedings followed by NCPs.

Peer learning on NCP coordination

In over one third of recent cases, more than one NCP was involved, which required coordination. However, NCP coordination has been identified as a challenge for the timely and effective handling of specific instances, in particular as the Procedural Guidance does not contain precise indications as to how this should be handled. At the June meeting of the NCP network, NCPs held a peer learning session in which they discussed applicable provisions and practices on NCP coordination in specific instances, and identified relevant challenges and opportunities. This discussion provided crucial insights to the secretariat for feeding into draft texts of the targeted updates of the Implementation Procedures of the Guidelines.

Series of seminars and trainings on good offices

Recent years have seen a decrease in agreements facilitated by NCPs, indicating not only that issues brought before them had become more complex and more contentious, but also that NCPs needed to build more skills in order to make good offices successful. This is why the Secretariat organised four training activities seeking to address the main roadblocks of mediation including:

- Bringing companies to the table: this training involved companies that had both accepted and declined good offices, to understand reasons that led them to such decisions and help NCPs maximise chances that companies come to the table (June 2022)
- Formalising the good offices: this training reflected on the various ways in which NCPs could formalise good offices to offer a predictable framework for the good offices (such as terms of reference) in which parties could focus on resolving the issues (November 2022)
- Engaging with lawyers in specific instances: as the specific instance process is non-judicial, the involvement of lawyers can create issues if both the NCP or the lawyers do not understand well how the other functions. This training involved lawyers who were involved in NCP cases to help understand and maximise the contribution that lawyers can make to the resolution of the issues (November 2022)
- Mediation skills training (including online mediation): mediation is the preferred method of NCPs for assisting parties in resolving issues at the centre of specific instances. However, successfully

mediating issues requires a particular skillset that many NCPs do not have. This is even more so as many mediation sessions now have to be held on line as a result of the pandemic. The Secretariat worked with experienced mediators to provide a full training programme aimed at providing NCPs with the basics of mediation (start in December 2022, continued in 2023)

Providing access to expertise in the NCP Network

In light of the growing complexity of the issues raised by specific instances, NCPs increasingly need to build expertise or consult with external experts on substantive or procedural issues. The Action Plan foresees actions aimed at ensuring NCPs have the expertise they need when they need it.

Training on Labour Issues in Responsible Business Conduct (in collaboration with the International Labour Organisation)

In collaboration with the ILO, the Secretariat organised a hybrid virtual/in person training on RBC and labour issues with the ILO training centre. The training included the following five online sessions taught by ILO experts:

- Session 1 – Setting the stage, introduction to the course and course objectives
- Session 2 – Introduction to the ILO, its standards and resources, International Labour Standards and Human Rights Instruments
- Session 3 - The Fundamental principles and rights at work: an overview of current challenges on the work floor
- Session 4 - Non-standard forms of employment
- Session 5– Indigenous peoples and ILO Convention 169

Then in June 2022, experts from the ILO travelled to Paris to for in-person sessions with NCPs at the OECD headquarters on how NCPs and the ILO could collaborate more closely to resolve labour-related issues, which have been on the rise in recent years, in particular due to the COVID-19 pandemic.

Webinar on ‘cause-contribute-directly linked’

The issue of the relation of companies with an adverse impact is complex and several NCPs have had to deal with complex interpretation issues of that particular point in specific instances. Therefore, on 2 December 2022, the Secretariat organised a webinar in collaboration with the Swiss NCP, in which OECD experts gave a presentation on OECD standards and guidance on this question, and in which NCPs presented concrete challenges in this regard. Participating NCPs then could exchange on this topic and share good practice.

Information session about regional networks of NCPs and launch sessions for regional networks in every region

As a transversal action to help NCPs build further capacity, the Action Plan foresees the creation and strengthening of Regional Networks of NCPs that will enable NCPs from the same region to address together issues of joint interest, and assist each other where needed. The Secretariat supported the existing regional networks of the Latin-American countries and of the Nordic-Baltic countries by contributing to meetings (e.g. though agenda setting and presentations). The Secretariat also organised an information session on regional networks for NCPs that are not yet part of one in June 2022, and facilitated the meetings of networks from all regions in the margins of the November meeting of the NCP network.

Substantiated submission regarding the NCP of Canada

The Procedural Guidance to the Guidelines provides for a mechanism whereby the OECD Investment Committee may review whether NCPs have fulfilled their responsibilities in the handling of a specific instance, and make corresponding recommendations. This mechanism is launched by way of 'substantiated submission' from an adherent country to the OECD Guidelines, BIAC, TUAC or OECD Watch.

On 22 September 2021, OECD Watch submitted a substantiated submission to the Chairs of the Investment Committee and the Working Party on Responsible Business Conduct in respect of the specific instance of [Sakto Group and Bruno Manser Fond](#) handled by the Canadian NCP between 2016 and 2018.

On 5 September 2022, the Investment Committee approved a response [DAF/INV/(2022)16FINAL] to the substantiated submission whereby it found that:

1. In the context of handling the specific instance, certain actions of the Canadian NCP lacked transparency and limited its accountability;
2. In certain steps of the specific instance process, the Canadian NCP did not ensure a fully equitable process and contributed towards a perception of a lack of impartiality;
3. The handling of the specific instance by the Canadian NCP lacked predictability in some respects;
4. Some aspects of the handling of the specific instance by the Canadian NCP were not fully compatible with the Procedural Guidance.

The Investment Committee made six recommendations in respect of these findings to the Canadian NCP, and welcomed the processes put in place by the Canadian NCP to work with stakeholders towards improvements that would address the issues raised by OECD Watch in relation to the specific instance. It encourages the Canadian NCP and its stakeholders to continue these efforts with a view to delivering improvements without delay.

The Investment Committee also noted with concern the reports by OECD Watch that the Notifier of the specific instance was facing hardship that may result from the specific instance and the way it was handled. Although the Investment Committee clarified that it is not its role to ascertain the reality or the causes of such hardship, it recommended that the Canadian NCP follow up with the parties to seek clarity regarding OECD Watch's reports and take any appropriate measure within its mandate to mitigate the adverse effects, if any, of the specific instance.

6 Conclusions

The past year showed marked recovery after two years of significant impacts on NCPs by the Covid19 pandemic. While some NCPs still noted challenges related to pandemic recovery, including ongoing pandemic-related restrictions such as travel bans in some cases, many NCPs showed recovery regarding their ability to achieve their mandates. Notably, promotional activity returned to, and exceeded pre-pandemic levels. An evolution of key indicators from 2021 to 2022 can be seen in Table 6.1.

Table 6.1. Evolution of key indicators of NCP activity as compared to 2021

Institutional arrangements		Promotion		Specific instances	
% of NCPs with >= 1 FTE	67%	# promotional events organised	210	Received	41
% of NCPs with dedicated budget	47%	# promotional events participated	272	% Concluded	66%
% of NCPs including stakeholders in structure	69%	# NCPs organising events	35	% Not accepted	34%
		# NCPs participating	35	Follow ups conducted	22

Note: Figures are provided for 2022 and colour coded according to a decrease (red) or increase (green) as compared to the 2021 figure. A decrease in the percentage of closed cases being not accepted may indicate an increased accessibility of the NCP mechanism, hence the green shading.

The previous year, 2021, saw recovered promotional activity as compared to 2020, when NCPs reported the most challenges relating to the Covid19 pandemic. This year has showed both recovery in terms of number of promotional events organised, co-organised, and participated in by NCPs, as well as a decrease in the number of inactive NCPs. This would suggest that not only did NCPs recover following Covid-related impacts, but they also came back stronger, possibly having built upon strategies developed to maintain functionality during the pandemic.

In 2022, NCPs intensified peer learning activities with the support of the OECD Secretariat in the framework of the third Action Plan to Strengthen NCPs (2022-2024), which was inaugurated in 2022. After two years of virtual peer learning due to Covid, NCPs were able to resume in-person activities around such key themes as visibility and stakeholder confidence, better handling of specific instances and better access to expertise in the face of increased complexification of RBC and the NCP mandate. The year also saw the highest number of peer review visits per year since their launch in 2009, and six peer reviews discussed at the WPRBC. Fifteen governments are currently committed to undergo a peer review of their NCP in 2023-2024, leaving five governments (including three OECD members) yet to commit.

In terms of specific instances, 2022 saw a decrease in specific instances received as compared to previous years, possibly due to low levels of promotion in 2020 and 2021. While below previous highs for specific instance submissions, with 41 submissions, 2022 remained slightly above historical average submission rates. Submissions continued the trend of the last two years with individuals making up the largest group of submitters, followed by NGOs and trade unions. NCPs closed 41 specific instances in 2022, in line with previous years. Fourteen cases were not accepted and 27 cases were concluded, delivering eight

agreements in total, four of which were attained entirely within the NCP process. This marks another year continuing the trend during which the rate of non-accepted cases has decreased. In 2022, specific instances submitted by individuals were again less likely to be accepted or to reach agreement than those submitted by other stakeholder groups, notably as none of the cases submitted by trade unions that had closed in 2022 were not accepted. Rates of agreement, though up slightly from rates in 2021, remained below average historical levels. This may in part be due to increasing case complexity, high levels of parallel proceedings, and unwillingness on the part of companies to engage in the process. It is noted that, while they are the desired outcome, agreements are not the only positive development that can come out of the specific instance process. Rates of recommendations included in final statements increased to 84%, up from 64% in 2021. This showed a return to previously established high rates of recommendations following the low in 2021. Rates of follow up continued to increase in 2022, with 22 follow ups conducted and 60% of concluded cases containing plans for follow up.

In terms of institutional arrangements, 2022 showed high levels of stakeholder engagement within NCP structures, with a 7% increase in NCPs involving key stakeholders in their institutional arrangements and, following an existing trend, NCPs faced challenges relating to human and financial resources. Some challenges related to lasting impacts from the Covid19 pandemic, as many NCPs had resources decreased as governments prioritised work related to pandemic response and recovery, and these resources were not always recovered by the NCPs after the more acute moments of crisis had ended. Overall, 41% of the NCP Network was operating with one or fewer full-time equivalent staff, as compared to 39% in 2021. The year additionally saw a decrease of 3% of NCPs without a dedicated budget. Despite resourcing and staffing being repeatedly flagged as a major challenge by NCPs, few improvements have been reported in this regard.

In terms of promotion, 2022 saw increases in promotional activity as compared to previous years, building on the trend established in 2021 following pandemic lows in 2020. Beyond the increase in numbers of promotional activities, this improvement also extended to the number of NCPs engaging in promotional activity, with fewer inactive NCPs as compared to 2021. Furthermore, the year showed the highest number of events organised or co-organised by NCPs since consistent monitoring of the data began. This might suggest a smaller gap in activity levels between NCPs as compared to previous years, although there continues to be NCPs within the Network that neither engage in handling specific instances nor conduct promotion.

In 2022, NCP also increased activity related to promoting policy coherence, their contribution in this regard having notably been recognised in the OECD Recommendation on the Role of Government in Promoting RBC, approved in December 2022. NCPs notably assisted with the development and implementation of National Action Plans in their countries, but also with national legislations on mandatory due diligence. The NCP network has also started a reflection on the implications of such legislations on their role and activities, which is set to continue and intensify in 2023.

Annex A. Overview of key NCP data

Number	Country	>=1 FTE	Website	Rules of procedure online	Received >=1 specific instance in the last 5 years	Engaged in promotional activity	Attended at least one NCP meeting
1	Argentina	Yes	Yes	Yes	Yes	Yes	Yes
2	Australia	Yes	Yes	Yes	Yes	Yes	Yes
3	Austria	No	Yes	Yes	Yes	Yes	Yes
4	Belgium	Yes	Yes	Yes	Yes	No	Yes
5	Brazil	Yes	Yes	Yes	Yes	Yes	Yes
6	Bulgaria	No	Yes	Yes	No*	Yes	Yes
7	Canada	Yes	Yes	Yes	Yes	Yes	Yes
8	Chile	Yes	Yes	Yes	Yes	Yes	Yes
9	Colombia	No	Yes	Yes	Yes	Yes	Yes
10	Costa Rica	Yes	Yes	Yes	No	Yes	Yes
11	Croatia	Yes	Yes	Yes	No	Yes	Yes
12	Czech Republic	No	Yes	Yes	Yes	Yes	Yes
13	Denmark	Yes	Yes	Yes	Yes	Yes	Yes
14	Egypt	Yes	Yes	No	No	No	Yes
15	Estonia	Yes	Yes	Yes	Yes	Yes	Yes
16	Finland	Yes	Yes	Yes	Yes	Yes	No
17	France	Yes	Yes	Yes	Yes	Yes	Yes
18	Germany	Yes	Yes	Yes	Yes	Yes	Yes
19	Greece					NO REPORT	No
20	Hungary	Yes	Yes	Yes	Yes	Yes	Yes
21	Iceland	No	Yes	No	No	No	Yes
22	Ireland	Yes	Yes	Yes	Yes	Yes	Yes
23	Israel	Yes	Yes	Yes	Yes	No	Yes
24	Italy	Yes	Yes	Yes	Yes	Yes	Yes
25	Japan	Yes	Yes	Yes	Yes	Yes	Yes
26	Jordan					NO REPORT	Yes
27	Kazakhstan	No	Yes	Yes	Yes	Yes	Yes
28	Korea	Yes	Yes	Yes	Yes	Yes	Yes
29	Latvia	No	Yes	Yes	Yes	Yes	Yes
30	Lithuania	Yes	Yes	Yes	Yes	Yes	Yes
31	Luxembourg	Yes	Yes	Yes	Yes	Yes	Yes
32	Mexico	No	Yes	Yes	No	No	Yes
33	Morocco	No	Yes	Yes	Yes	Yes	Yes
34	Netherlands	Yes	Yes	Yes	Yes	Yes	Yes
35	New Zealand	No	Yes	Yes	Yes	Yes	Yes
36	Norway	Yes	Yes	Yes	Yes	Yes	Yes
37	Peru	Yes	Yes	Yes	Yes	Yes	Yes
38	Poland	Yes	Yes	Yes	Yes	Yes	Yes
39	Portugal	Yes	Yes	Yes	No	Yes	Yes

Number	Country	>=1 FTE	Website	Rules of procedure online	Received >=1 specific instance in the last 5 years	Engaged in promotional activity	Attended at least one NCP meeting
40	Romania	Yes	Yes	No	No	Yes	Yes
41	Slovak Republic	No	Yes	Yes	No	No	Yes
42	Slovenia	No	Yes	Yes	Yes	Yes	No
43	Spain	Yes	Yes	Yes	Yes	Yes	Yes
44	Sweden	No	Yes	Yes	Yes	Yes	Yes
45	Switzerland	Yes	Yes	Yes	Yes	Yes	Yes
46	Tunisia	No	No	No	No	No	Yes
47	Türkiye	Yes	Yes	Yes	Yes	Yes	Yes
48	Ukraine	No	Yes	Yes	No*	Yes	Yes
49	United Kingdom	Yes	Yes	Yes	Yes	Yes	Yes
50	United States	Yes	Yes	Yes	Yes	Yes	Yes
51	Uruguay	No	Yes	Yes	No*	Yes	No

Note: *The NCPs of Bulgaria, Croatia, Ukraine, and Uruguay are the newest members of the NCP Network, having been established within the last ten years.

Annex B. Comprehensive overview of NCPs

Country	Structure & location						Human & financial resources						Report to:		Rules of procedure			Promotional plan	Promoted Guidelines among:			Number of events:		Attendance NCP meetings	
	Structure	Advisory body	Advisory body with oversight	Struct. Includes business	Struct. Includes trade unions	Struct. Includes trade NGOs	Total staff	Full time	Part time	Joined 2022	Left 2022	Dedicated budget	Government	Parliament	In place	Online	Revised 2022		Business	NGOs	Trade unions	Organised	Participated in	June	November
1	Argentina	Single agency	Yes	No	Yes	Yes	Yes	4		4	1	1	No	Yes	No	Yes	Yes	No	Yes	Yes	No	0	6	Yes	Yes
2	Australia	Single agency	Yes	Yes	Yes	Yes	Yes	6	4	2	2		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2	7	Yes	Yes
3	Austria	Single agency	Yes	Yes	Yes	Yes	Yes	2		2			Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	8	1	Yes	Yes
4	Belgium	Multipartite	Yes	No	Yes	Yes	Yes	2	1	1	1	2	No	No	No	Yes	Yes	No	No	No	No	0	0	Yes	Yes
5	Brazil	Inter agency	No	N/A	No	No	No	4	3	1	1	2	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	29	44	Yes	Yes
6	Bulgaria	Multipartite	Yes	Yes	Yes	Yes	Yes	2		2		1	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	1	2	Yes	No
7	Canada	Inter agency	Yes	No	Yes	Yes	No	3	3		2	2	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	22	17	Yes	Yes
8	Chile	Single agency	Yes	Yes	Yes	Yes	Yes	5	4	1	2	2	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	6	8	Yes	Yes
9	Colombia	Single agency	Yes	No	Yes	Yes	Yes	2		2			No	Yes	Yes	Yes	Yes	No	No	No	No	6	2	No	Yes

Country	Structure & location						Human & financial resources					Report to:		Rules of procedure			Promotional plan	Promoted Guidelines among:			Number of events:		Attendance NCP meetings		
	Structure	Advisory body	Advisory body with oversight	Struct. Includes business	Struct. Includes trade unions	Struct. Includes trade NGOs	Total staff	Full time	Part time	Joined 2022	Left 2022	Dedicated budget	Government	Parliament	In place	Online		Revised 2022	Business	NGOs	Trade unions	Organised	Participated in	June	November
10	Costa Rica	Inter agency	Yes	No	Yes	Yes	2		2			Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	5	11	Yes	Yes	
11	Croatia	Multipartite	No	N/a	Yes	Yes	4	2	2	1	1	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	2		Yes	Yes
12	Czech Republic	Multipartite	No	N/A	Yes	Yes	3		3	1	1	No	No	No	Yes	Yes	No	Yes	Yes	Yes	2	1	Yes	Yes	
13	Denmark	Expert based	No	N/a	Yes	Yes	3	3		1		Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	2	4	Yes	Yes	
14	Egypt	Single agency	No	N/A	No	No	2	2		2		No	Yes	Yes	No	N/A	N/A	Yes	No	No			Yes	Yes	
15	Estonia	Single agency	No	N/A	No	No	2		2	1	1	No	No	No	Yes	Yes	No	No	No	No	3		Yes	No	
16	Finland	Multipartite	No	N/A	Yes	Yes	2	1	1	1	1	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	6		No	No
17	France	Multipartite	No	N/A	Yes	Yes	2	1	1	1	1	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	21	21	Yes	Yes	
18	Germany	Inter agency	Yes	No	Yes	Yes	5	3	2	1	1	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	3	12	Yes	Yes	
19	Greece																				NO REPORT		No	No	
20	Hungary	Inter agency	No	N/A	No	No	1	1				Yes	Yes	No	Yes	Yes	No	No	No	No	1		Yes	Yes	
21	Iceland	Single agency	No	N/A	No	No	2		2			No	Yes	No	No	N/A	N/A	No	No	No			Yes	Yes	
22	Ireland	Single agency	No	N/A	No	No	5	2	3	2	1	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	4		Yes	Yes
23	Israel	Single agency	Yes	No	Yes	Yes	5		5	1	1	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes			Yes	Yes	
24	Italy	Single agency	Yes	No	Yes	Yes	5	1	4	3	3	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	4		Yes	Yes	

Country	Structure & location						Human & financial resources					Report to:		Rules of procedure			Promotional plan	Promoted Guidelines among:			Number of events:		Attendance NCP meetings			
	Structure	Advisory body	Advisory body with oversight	Struct. Includes business	Struct. Includes trade unions	Struct. Includes trade NGOs	Total staff	Full time	Part time	Joined 2022	Left 2022	Dedicated budget	Government	Parliament	In place	Online		Revised 2022	Business	NGOs	Trade unions	Organised	Participated in	June	November	
																										Organised
25	Japan	Inter agency	Yes	No	Yes	Yes	No	11		11	5	5	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes		2	Yes	Yes
26	Jordan	NO REPORT																				Yes	No			
27	Kazakhstan	Multipartite	No	N/A	Yes	Yes	Yes	3	3				Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	16	8	Yes	No
28	Korea	Multipartite	No	N/A	Yes	No	No				2	2	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	4	2	Yes	Yes
29	Latvia	Multipartite	No	N/A	No	No	No	3	1	2			No	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	2	1	Yes	Yes
30	Lithuania	Expert based	Yes	Yes	No	No	No	1	1		1		Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	No			Yes	Yes
31	Luxembourg	Single agency	Yes	No	No	No	No	2		2	1		No	Yes	No	Yes	Yes	No	No	Yes	Yes	No	18	11	Yes	Yes
32	Mexico	Single agency	Yes	No	No	No	No	1		1		1	No	Yes	No	Yes	Yes	No	No	No	No	No			Yes	Yes
33	Morocco	Inter agency	No	N/A	No	No	No	2	1	1			Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	6		Yes	Yes
34	Netherlands	Expert based	Yes	No	Yes	Yes	Yes	3		3		1	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	1	8	Yes	Yes
35	New Zealand	Inter agency	Yes	Yes	Yes	Yes	Yes	6	3	3			No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	1	3	No	Yes
36	Norway	Expert based	No	N/A	Yes	Yes	Yes					1	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	5	28	Yes	No
37	Peru	Single agency	No	N/A	No	No	No	4		4	2	2	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	4	3	Yes	Yes
38	Poland	Single agency	Yes	No	Yes	Yes	Yes	2		2			No	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	4	3	Yes	Yes
39	Portugal	Inter agency	No	N/A	No	No	No	6		6	1		No	Yes	No	Yes	Yes	No	No	Yes	Yes	No	1	1	Yes	Yes
40	Romania	Multipartite	No	N/A	Yes	No	Yes	4		4	5	2	No	Yes	No	No	N/A	N/A	No	Yes	No	No	4	9	Yes	No

Country	Structure & location						Human & financial resources						Report to:		Rules of procedure			Promotional plan	Promoted Guidelines among:			Number of events:		Attendance NCP meetings		
	Structure	Advisory body	Advisory body with oversight	Struct. Includes business	Struct. Includes trade unions	Struct. Includes trade NGOs	Total staff	Full time	Part time	Joined 2022	Left 2022	Dedicated budget	Government	Parliament	In place	Online	Revised 2022		Business	NGOs	Trade unions	Organised	Participated in	June	November	
41	Slovak Republic	Multipartite	No	N/A	Yes	Yes	Yes	2		2	1	5	No	No	No	Yes	Yes	No	No	No			Yes	Yes		
42	Slovenia	Inter agency	Yes	Yes	Yes	Yes	Yes	2	1	1	1	1	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	1	3	No	No	
43	Spain	Inter agency	Yes	No	Yes	Yes	Yes	2		2	2	1	No	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	1	1	Yes	Yes
44	Sweden	Multipartite	No	N/A	Yes	Yes	No	2	0	2			No	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	5	3	Yes	Yes
45	Switzerland	Multipartite	Yes	Yes	Yes	Yes	Yes	3		3			Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	1	8	Yes	Yes
46	Tunisia	Multipartite	No	N/A	Yes	No	Yes	2	2				No	Yes	No	No	N/A	N/A	Yes	Yes	Yes	No			Yes	No
47	Türkiye	Single agency	No	N/A	No	No	No						Yes	Yes	No	Yes	Yes	No	No	Yes	No	No	3		Yes	Yes
48	Ukraine	Single agency	Yes	No	Yes	Yes	Yes	6	3	3		1	No	Yes	No	Yes	Yes	No	No	No	No		1	Yes	Yes	
49	United Kingdom	Single agency	Yes	Yes	Yes	Yes	Yes	4	3	1		2	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	12	2	Yes	Yes	
50	United States	Single agency	Yes	No	No	No	No	3	1	2	3		No	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes		25	Yes	Yes
51	Uruguay	Inter agency	Yes	No	Yes	Yes	Yes	2		2	1		Yes	Yes	No	Yes	Yes	N/A	Yes	Yes	Yes	Yes	5		No	No

Annex C. Key Peer Review Findings and Recommendations made in 2022

Australia

Specific instances

	Finding	Recommendation
1.1	The NCP structure was reformed as part of the general mandate of Treasury as regards RBC and the Guidelines, but is not formalised in a legal or official document. Stakeholders have shared that they would have more trust in the NCP and would view its structure as more stable and its authority as better established if it was established in such a document	Australia could consider ways to lend more stability and authority to the NCP by formalising its structure in a legal or administrative document.
1.2	The NCP structure is viewed as conducive to impartiality, notably as cases are handled by an Independent Examiner, but stakeholders have questions regarding how impartiality can be guaranteed in some circumstances (e.g. case that touches upon government policy).	More communication could be done to clarify and explain the safeguards that are in place to maintain impartiality (e.g. enhance the existing conflict of interest policy, extent of independence of the independent examiner, etc.)

Promotion

	Finding	Recommendation
2.1	The structure of the NCP offers many opportunities for promotion, through the Secretariat, the Independent Examiner, and the Governance and Advisory Board, whose own activities and contacts can act as relays for the NCP's promotion efforts. However, these opportunities are not fully explored in the promotional plan.	The promotional plan should be revised to more strategically leverage key actors and relationships, in particular the secretariat (strategically located in treasury), advisory board, independent examiner, stakeholder networks. It could set clearer dissemination objectives and be publicised with stakeholders.
2.2	The AusNCP's website is modern, user-friendly and easily accessible. It plays an important part in the AusNCP's promotional efforts and in its accessibility, and this role could be further increased.	The use of the website as a tool for accessibility and visibility should be enhanced, e.g. by including more guidance materials produced by the NCP, an agenda of promotional events, and key information (such as a fact sheet on submitting specific instances) in relevant foreign languages.

2.3	The AusNCP maintains relationships with key government agencies, notably through the Governance and Advisory Board, and provides policy inputs related to the Guidelines where necessary, but knowledge of the NCP across government remains low and the RBC field is dominated by other initiatives.	The AusNCP should enhance its contribution to policy coherence by promoting use of the Guidelines by key government actors, and by seeking further opportunities for promoting the Guidelines and the NCP through related agendas, such as policies on modern slavery.
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Specific instances

	Finding	Recommendation
3.1	The AusNCP is faced with a sharp increase in case activity following the reforms, which may pose challenges to the Independent Examiner's ability to handle cases in a timely and efficient manner. Treasury decided to appoint at least two Examiners going forward. This is a welcome development but may pose coordination challenges between the two examiners.	Arrangements should be made regarding coordination between Examiners to avoid inconsistent decisions while protecting the independence of each Examiner. A clear, transparent and objective process should also be designed for assigning cases to Examiners, taking into account relevant factors.
3.2	The AusNCP has a detailed and elaborate set of RoP that were incepted following the reforms and after public consultation. The RoP are strong, but practice has evidenced that certain aspects could be revised to enhance perceptions of impartiality, transparency, and accessibility.	The AusNCP should consider reviewing notably the following aspects of its RoP: (i) publication of initial assessments; (ii) advice of Board on draft statements; (iii) consolidation of conflict of interest policy into one document; (iv) confidentiality agreement template.

Brazil

Institutional arrangements

	Findings	Recommendations
1.1	As the NCP does not include stakeholders in its structure, stakeholders have expressed a strong interest in closer and more formal engagement. The NCP is open to this idea and is considering options to engage on a regular basis with stakeholders.	The NCP should strengthen its engagement across stakeholder groups as a way to increase confidence, visibility, accessibility, transparency and its perception of impartiality. In doing so, the NCP could for example consider establishing an Advisory Body that includes stakeholder representatives.
1.2	Stakeholders recognise individual members of the NCP as knowledgeable, impartial and reactive. The NCP Secretariat's and Coordinator's location in the Ministry of Economy and the NCP's reporting line to CONINV offer opportunities for access to expertise and visibility. Some stakeholders however raise questions regarding perception of impartiality, in particular as the NCP's practice to make decisions by consensus is not reflected in its founding Decree	The NCP should better communicate about measures taken to foster its impartiality, such as the applicable framework regarding conflict of interests or the NCP's decision-making procedures, or its practice to decide by consensus. The NCP could take additional measures in this regard such as building a 'firewall' around the NCP Secretariat and the Working Group to avoid conflicts with other portfolios. The NCP's relationship with CONINV could also be revisited to ensure stronger access to expertise and visibility of the NCP across government as an authority on RBC.

	or procedures. In practice, the NCP's relationship to CONINV also does not generally lead to meaningful substantive exchanges on RBC.	
1.3	The NCP Secretariat's human resources have increased during the past years, but achieving and maintaining sufficient levels of promotion in the face of a high caseload will remain a challenge over the long term. The NCP also underwent significant turnover in recent years, which has impacted its resources.	The human and financial resources of the NCP should be at least maintained at their current level, notably to ensure a sufficient level of promotion and visibility across the country. The NCP should also further strengthen its institutional memory through a handover strategy to minimise the impact of regular staff turnover.

Promotion

	Finding	Recommendation
2.1	The NCP has made clear progress in increasing promotion, including through the adoption of annual promotional plans, participation in virtual events and renovation of its website. However, its visibility can be further strengthened. Stakeholders noted challenges in promotion related to the large national territory and notably asked for more information on the NCP, the specific instance process, and trainings on sectoral due diligence guidance.	The NCP should increase promotional activities to strengthen its visibility across the country and in all stakeholder groups. To that end, the NCP could conduct a country-wide stakeholder mapping and identify multiplier organisations with broad networks and geographic reach.
2.2	The NCP's role in promoting policy coherence was recently strengthened, including through its contribution to CAMEX's mandate to develop a National Action Plan on RBC (PACER). Although the NCP also operates in a context of growing activity on RBC by other governmental agencies, the NCP itself is not consistently involved despite sometimes the presence of the relevant agency in the Working Group.	In order to increase its contribution to policy coherence in Brazil, the NCP should make efforts to better leverage its interagency structure and the policy expertise developed in the context of the PACER. It should also raise more awareness of the Guidelines in key parts of government. The NCP could also offer its expertise in relevant policy development, where appropriate.

Specific instances

	Findings	Recommendations
3.1	The NCP has detailed and comprehensive Rules of Procedure. Some aspects are however very complex and there are some misalignments with the Procedural Guidance, notably on the admissibility criteria and confidentiality provisions. Their implementation in cases has sometimes resulted in practical difficulties and inconsistencies flagged by stakeholders and parties to specific instances. The	When undertaking its review of the Rules of Procedure, the NCP should ensure that they are fully in line with the Procedural Guidance and could consider notably the following: <ul style="list-style-type: none"> • less formal approach to the initial assessment phase; • lower admissibility criteria and threshold for acceptance of specific instances; • early notification of the concerned company; • consultation with the parties on published statements;

	NCP has noted its plans to review its Rules of Procedure.	<ul style="list-style-type: none"> • provision of the non-confidential version of information provided by one party to the other; • publication of statements in non-accepted specific instances; • clear definition of the Working Group, rapporteur, and NCP Secretariat roles; • reaching out proactively to the parties in the different stages of the process; and • following up consistently on recommendations and agreements.
3.2	Cases handled by the NCP have regularly exceeded indicative timelines, notably as a result of a high case load, complexity of issues, but also of difficulties communicating with parties. Stakeholders have highlighted the need to communicate proactively about timelines to ensure predictability of the process and strengthen parties' trust.	In order to further build trust among potential submitters and increase the predictability of the specific instance process, the NCP should strive to meet indicative timelines when possible and proactively communicate with parties when timelines cannot be met.

Ireland

Institutional arrangements

	Finding	Recommendation
1.1	The NCP structure was reformed to address the resource issues previously constraining the NCP function. However, this new and improved structure is not defined in an official or legal document. Stakeholders have indicated an interest in the creation of such a document to bolster the authority of the NCP.	Ireland could consider ways to lend more stability and authority to the NCP by formalising its role and structure in a legal or official document. This could further clarify how the NCP maintains its impartiality.
1.2	While the NCP has increased resources as a result of the restructure, its single agency structure without advisory body could limit its access to expert advice and decrease its visibility and accessibility with relevant stakeholders, and affect the confidence of some stakeholder groups. The NCP is still discovering its new abilities and structure and it is an optimal time to continue improvements prior to the fixation of the structure in a document such as the one above.	The NCP should increase and formalise its engagement with all stakeholder groups, for example by implementing a multistakeholder advisory body to provide more expertise, increase visibility and accessibility, spread workload, and increase accountability of the NCP.

Promotion

	Finding	Recommendation
2.1	The NCP has made clear progress over recent months in increasing their promotion of both the NCP and the Guidelines, although its visibility remains fairly low. A plan has been developed to increase stakeholder engagement and, while it provides a schedule of events, it lacks information on goals and target audiences for promotion.	The NCP could draft a comprehensive promotional plan which identifies, specific target sectors, target audiences, and defines clear goals. The plan could also be made public to increase visibility and legitimacy of the NCP.

2.2	While promotion has been increasing, the NCP still maintains relatively low number of promotional events organised and participated in. The NCP could benefit from building a network of contacts with representative stakeholder organisations and fostering relationships face-to-face, where possible.	The NCP could consider partnerships with other professional associations to leverage existing activities to raise the visibility of the NCP. Further outreach could be made via media outlets, including press releases when the NCP receives a new case or publishes a new statement.
2.3	The NCP reports that it regularly updates their website and it is a useful tool for interested parties. However, the website lacks visibility and the NCP lacks a comprehensive strategy to increase its online presence.	The NCP could develop a strategy to improve the discoverability of the website, considering any government limitations. The NCP could further increase its online presence by including links on partner websites, cross-posting, and further developing its online promotion using videos, podcasts, or social media.
2.4	The NCP has already been involved and inputted in government works and National Action Plans relating to RBC and corporate social responsibility. The review also showed a willingness by members of other government departments to engage with the NCP. This creates an opportunity to increase policy coherence.	The NCP could act on the willingness of other government departments and increase promotion of policy coherence across these channels. The implementation of an advisory board could further the improvement of policy coherence as it includes more relevant stakeholders in the NCP process.

Specific instances

	Finding	Recommendation
3.1	Previous specific instances have suffered notable, and sometimes, unexplained delays. This raises issues for users as they do not always have the capacity to participate in a drawn-out process. This also raises issues of transparency when the delays are not clearly explained. There has been optimism expressed regarding improvements in timeliness since the restructure but concerns remain.	With increased capacity, the NCP could focus on timeliness of case handling as a priority. Where possible, the NCP could aim to make public, generally or to the involved parties, the reasoning for delays in specific instances. These causes for delay could also be noted in the published statements so that it is always clear why a case exceeded the indicative timeline.
3.2	The current RoP was drafted in 2018 and while it creates a good explanation and overview of the process, there are some notable places which require clarification. A comprehensive RoP would give the new restructured team even more credibility and allow them to gain stakeholder's confidence moving forward. The NCP has already noted plans to update the RoP in 2022.	The NCP could focus on tightening language in the RoP to decrease chances of misunderstandings in the process. Specifically, the RoP would benefit from further explanation on the difference between an initial and final statement, clarity in language surrounding confidentiality procedures, and clarity on when submissions can still be received from parties during the drafting of a statement.

Slovenia

Institutional arrangements

	Findings	Recommendations
1.1	High turnover within the NCP Secretariat has created problems of knowledge transfer and hindered the NCP's ability to grow and	Slovenia could consider ways to lend more stability to the NCP structure in an updated legal or official document to

	improve. This issue was made especially prominent by the Covid19 pandemic, as it was more difficult to dedicate sufficient resources to the NCP.	clarify the roles of the different bodies and the interactions that exist between them. This could further provide stipulations on the resourcing of the NCP to ensure sufficient financial and human resources.
1.2	The inter-ministerial and advisory bodies do not have a mandate to meet regularly, or at all, outside of specific instance proceedings. Stakeholders have shown support for the structure with wide representation, however, there is a perception that it is not being leveraged to support the NCP in achieving its dual mandate. Additionally, the operations between the NCP Secretariat, the inter-ministerial working group, and the advisory body are not well-established and there is a lack of clarity on how the bodies interact with one another	The NCP should enhance the roles of the interministerial working group and advisory body, particularly with more meetings of the bodies individually and together. This could help leverage the opportunity the bodies provide to interact with various stakeholder groups, particularly in terms of how they can assist with promotional efforts by the NCP.
1.3	Some stakeholders have indicated concerns about the NCP's ability to act impartially. Their concerns are based on the NCP's location in an economic ministry, a lack of safeguards specific to the NCP to avoid conflicts of interest, a lack of transparency around the NCP's structure and functions, and an imbalanced representation from different stakeholder groups.	The NCP should address concerns related to the perception of impartiality of the NCP, through substantive changes or improved communication on the NCP structure. This could be accomplished in part by increasing transparency around the structure of the NCP in an updated public official document, producing a conflict of interest document specific to the NCP, and improving representative diversity or participation in the advisory body, particularly by increasing trade union representation.

Promotion

	Findings	Recommendations
2.1	Especially in recent years, the NCP has organised or participated in a limited number of promotional activities. Promotion is not being done strategically and there is a general need to increase promotional activity. As a result, the visibility of the NCP is very low across all stakeholder groups.	The NCP should increase promotion, both by organising or co-organising more events and participating in more events. This ought to be done strategically to target a diverse range of stakeholders and considering RBC priority areas in country. This will serve to increase the visibility of the Guidelines and the NCP.
2.2	The inter-ministerial structure and advisory body are generally viewed favourably by stakeholders, however there are concerns that the structures are not being efficiently leveraged for promotional purposes.	The NCP should leverage its partnerships to increase promotional activity. The NCP can utilise existing connections within its structure to reach out to different stakeholder groups and increase awareness of the NCP and Guidelines. This can also include leveraging other governmental connections to focus on policy coherence, particularly beyond the ministries already represented in the NCP.
2.3	Promotional activity by the NCP has been low in recent years and largely centres around a reactive approach where the NCP engages in promotion when called upon by others. Promotion has also not been conducted evenly across stakeholder groups, with more promotion being done amongst businesses representatives due to the connections they already have with the Ministry.	The NCP should create a comprehensive and strategic promotional plan for the year, taking input from all members of the NCP to identify opportunities for promotion. The plan ought to consider where promotion is lacking, in which sectors or amongst which stakeholders, and seek to increase promotional activities in those areas.

Specific instances

	Findings	Recommendations
3.1	The current RoP are comprehensive but lack some flexibility in terms of timelines, submission language, and contributions of the advisory body. Furthermore, they do not fully align with the Procedural Guidance	The NCP should revise its RoP to align with the Procedural Guidance, clarify the roles of the different bodies and allow for more meaningful engagement, particularly on the part of the advisory body. Revisions may further create a framework to allow for timeline adaptations and submissions in languages other than Slovenian..
3.2	Based on a government decree, there are limitations to the specific instance procedures based on voting members of the interministerial working group	The NCP should consider changing provisions around voting members so that participating individuals may change based on who is active on the NCP function or in the interministerial working group

Spain

Institutional arrangements

	Finding	Recommendation
1.1	The NCP's interagency structure and the Advisory Board represent important opportunities for the NCP's visibility, impartiality and access to expertise. However, the NCP Secretariat's location in the Ministry of Industry, Trade and Tourism and strong representation of that Ministry in the inter-ministerial collegiate body (IMCB) raise questions with some stakeholders regarding perception of impartiality. The current membership of the IMCB and decision-making rules are not reflected in a formal document, and rather rely on practice.	The NCP and Spain should consider ways to address concerns by some stakeholders regarding its location and composition, and in particular increase the transparency of its operations and better communicate about measures taken to foster its impartiality. Examples of actions in this regard may include communicating on the autonomy of the NCP with respect to decision-making, including the fact that decisions are taken by consensus, and decision-making rules when consensus is not reached, making public the NCP's annual reports, reflecting in an official document the current membership of the IMCB, role of the Secretariat, and creating a 'firewall' around the Secretariat and the IMCB in respect of the Ministry of Industry, Trade and Tourism to avoid and address conflicts of interest, in case they potentially arise. The NCP and Spain should also ensure balanced representation of different Ministries in the IMCB.
1.2	The membership and long experience of the Advisory Board offer many opportunities for stakeholder confidence, access to expertise, visibility and accessibility, but CSO representation does not cover the full scope of the Guidelines. Likewise, the Advisory Board does not consistently contribute to the promotion of the Guidelines by the NCP. Stakeholders would welcome more information on the role of the Advisory Board.	The NCP should consider ways of further engaging the Advisory Board. This could, for example, include agreeing terms of reference of the Advisory Board to clarify the nature of its role and its functions, notably regarding promotion. The membership of the Advisory Board could also be expanded to include CSOs active in a broader range of areas covered by the Guidelines, including human rights and environment- related issues.
1.3	The NCP has recently resumed its promotional activities and its workload has increased as a result of new specific instances. However, the NCP Secretariat has faced significant staff turnover and its resources were reduced relatively recently. Advisory Board members and stakeholders note that more resources are needed to	The human resources of the NCP Secretariat should be at least maintained at their current level, and ideally reinforced. Financial resources should also be increased, notably to increase promotional activities, potential hiring of experts and external mediator(s) where needed. The NCP should further strengthen its institutional memory through a handover strategy involving

	allow for stronger promotional activities and timely handling of specific instances.	the Advisory Board to minimise the impact of regular staff turnover.
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Promotion

	Finding	Recommendation
2.1	The visibility and accessibility of the NCP could be further strengthened. Stakeholders noted a need for more dissemination of information on the NCP, and thematic promotional activities, including on the NCP mechanism and sectoral guidance, in particular for high-risk sectors. The recent high-level event co-organised by the NCP relaunched its promotional activities after two years of inactivity. However, the IMCB and the Advisory Board are not consistently leveraged for promotion and the NCP is not active on social media.	The NCP should increase its promotional activities in order to strengthen its visibility and accessibility. This can be done through (i) a promotional plan that includes a stakeholder mapping, identification of priority sectors for promotion, and topics of interest for different stakeholder groups; (ii) the production of information and promotional material for dissemination; (iii) active social media presence. The promotional plan should leverage key actors and relationships, including the IMCB, Advisory Board, embassies and diplomatic staff posted abroad, and stakeholder networks.
2.2	The NCP operates in a context where several other parts of the government are active on RBC issues. The NCP currently engages through its membership, e.g. through the Vice-Chair on export credits.	The NCP should position itself more visibly and affirmatively in the broader policy framework relevant to RBC in Spain, so as to promote policy coherence. The ongoing consultations on mandatory due diligence are an opportunity for the NCP to further strengthen its role and visibility in respect of policy coherence.

Specific instances

	Finding	Recommendation
3.1	The NCP has detailed and clear Rules of Procedures, though stakeholders and parties to specific instances noted the need for more clarity on some issues to further build trust and strengthen the predictability of the specific instance process. Such issues include the review of whether a company falls into the scope of the Guidelines, thresholds and consultations with parties in initial assessments, level of detail in older statements, frequent extensions of indicative timelines, and publication of statements in every closed case. The NCP has noted its plans to review its Rules of Procedure.	<p>When undertaking its review of the Rules of Procedure, the NCP should focus on:</p> <ul style="list-style-type: none"> - aligning its definition of multinational enterprise with that of the Guidelines; - ensuring clarity on thresholds in the initial assessment phase, to strengthen the accessibility and predictability of the process; - ensuring clarity and transparency regarding timelines; - publishing statements in non-accepted specific instances and considering publishing statements in accepted specific instances, ensuring clarity on the issues and reasons for the NCP's decision; - following up consistently on recommendations and agreements, and setting a timeline in the final statement; - clarifying the application and scope of provisions on conflict of interests and recusal. <p>In handling specific instances in practice, the NCP should then ensure clearer and more timely communication with the parties.</p>

3.2	The NCP grants anonymity of the parties in the majority of specific instances. Trade union and CSO representatives have questioned some of these decisions and have requested better justifications. Some stakeholders also requested more clarity on reasons to withhold information submitted by one party from the other, as well as on rules restricting campaigning during the specific instance process.	In order to further strengthen the transparency and equitability of the specific instance process, the NCP should consider consistent rules on campaigning, and communication about sharing information submitted by one party with the other, and in case sensitive information should be protected, providing a non-confidential version of such information to the other party. The NCP should also ensure that requests for anonymising statements are granted as an exception rather than the rule and duly justified based on specific reasons.
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Sweden

Institutional arrangements

	Finding	Recommendation
1.1	The NCP has a strong tripartite structure, rooted in the Swedish social dialogue culture and trusted by stakeholders. However, the NCP structure is not established by a formal document, and the NCP is not set up as a distinct unit within the MFA. Reporting lines are also not clearly established for NCP functions, rather relying on practice. This may reduce the accessibility, visibility, and transparency of the NCP, as well as make arrangements to guarantee the impartiality of the NCP little understandable for the public.	Sweden should consider ways to lend more visibility, accessibility and transparency to the NCP by formalising its structure, location, mandate and membership, and clarifying the role of the NCP Chair and secretariat in an official document. Sweden could then disseminate the document across government, embassies and stakeholders. Moreover, the NCP could strengthen and better publicise measures taken to foster the impartiality of the NCP. This could, for example, include creating the NCP as a proper unit within the MFA and building a 'firewall' around it, clarifying reporting lines of NCP staff vis-à-vis the hierarchy and what integrity and conflict of interest rules apply to them.
1.2	As the NCP does not include CSOs and academia in its structure, CSOs demand further engagement with the NCP, notably as a way to access expertise on a broader range of issues, and increase the NCP's visibility, accessibility and accountability. The NCP is open to this idea and is considering options to engage on a regular and formal basis with CSOs and academia. In view of interest from CSOs in the NCP's work and the good timing to join forces, it is an optimal time to establish a cooperation framework.	The NCP should consider ways of engaging with CSOs and academia on a regular and formal basis to ensure access to expertise, as well as to increase its visibility, accessibility, transparency and accountability with that stakeholder group. The NCP indicated that it was currently considering establishing a regular meeting routine with a selected group of CSOs.
1.3	The NCP's staff resources have remained stable over the years, though the workload has increased as a result of new specific instances being submitted. The NCP has also experienced near-complete renewal of its members in recent years, including its government representatives. NCP members and stakeholders noted that the current level of resources may therefore not be sufficient in the long term. The need for a handover strategy was also underlined to facilitate turnover.	Staff resources of the NCP should be at least maintained, or ideally reinforced, to provide for example one full-time government member to manage the NCP secretariat. The NCP stakeholder members should further liaise within their trade unions and business organisations to ensure that they allocate the necessary amount of time to deliver the NCP mandate.

Promotion

	Finding	Recommendation
2.1	The visibility and transparency of the NCP is currently low beyond the circle of its members, notably as a result of limited promotional planning and activity. There is, however, a strong demand for better knowledge of the NCP. At the same time, resources currently available to the NCP may not allow to significantly increase promotion and hinder response to requests for information.	The NCP should strategically expand its promotional role, taking account of its existing resources. This could be done through a promotional plan that includes stakeholder mapping, synergies with CSR Team events and materials, better leveraging of the Chair's position as CSR Ambassador and other NCP members' networks, as well as cooperation with key multiplier actors. The NCP should also make itself available to answer inquiries about the OECD Guidelines.
2.2	The NCP's website contains basic information in Swedish and in English, but it could be further expanded to become a comprehensive resource on RBC and a more important tool for the promotion of the Guidelines in Sweden. There are also opportunities to enhance the NCP's visibility, accessibility, transparency and accountability through the website and social media.	The use of the website as a tool for visibility, accessibility, transparency and accountability should be enhanced, e.g. by including a section on promotional events, more information on the Guidelines and due diligence guidance, the specific instance process and the Rules of Procedure; an easily accessible submission form; the promotional materials available; the NCP's structure and membership; and the NCP's annual reports. The NCP should also increase its social media presence.

Specific instances

	Finding	Recommendation
3.1	The current Rules of Procedure are very succinct and may not provide a sufficient basis to ensure predictability and transparency in the handling of specific instances, nor to address situations of conflicts of interest. This has led in the past to situations where the handling of specific instances was arguably not fully in line with the Procedural Guidance, and has prevented a timely handling of situations on which conflicts of interest had been raised.	The NCP should revise its Rules of Procedure in accordance with the Procedural Guidance, to ensure predictability, transparency and impartiality in the specific instance process. The Rules of Procedure should include at least guidance on filing a complaint; initial assessment criteria in line with the Procedural Guidance on the Guidelines; detailed description of the process, potential outcomes, including the possibility of issuing recommendations and engaging in follow-up; as well as applicable provisions on campaigning and confidentiality and access to documents. Clear rules and processes for avoiding and addressing possible conflicts of interest should also be included.
3.2	Indicative timelines are frequently overshot in specific instances handled by the NCP, for a number of reasons, including staff turnover of the NCP secretariat. Additionally, parties in previous specific instances stated that they would value clearer communication on the steps of the process.	The NCP should seek as much as possible to observe the indicative timelines for the handling of specific instances. In any event, it should proactively engage with the parties to inform them about the steps in the process and any delays, as well as provide them with alternative timelines.

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