

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

Working Party on Responsible Business Conduct

Common Framework for Annual Reporting by National Contact Points for the OECD Guidelines for Multinational Enterprises

The common reporting framework has been updated following the discussion on the proposed changes to the Annual Report on the OECD Guidelines for Multinational Enterprises [DAF /INV /RBC(2014)11] at the joint meeting of the Working Party on Responsible Business Conduct and NCPs on 4 December 2014. This revised version reflects comments submitted by delegates following the 20 March 2015 meeting of the Working Party on Responsible Business Conduct.

The updated common reporting framework retains the core questions aimed at providing the information required under the Implementation Procedures of the Guidelines. Some follow on questions have been added to help NCPs report on their achievements as well as ongoing needs and challenges.

Cristina Tébar Less, Head, Responsible Business Conduct Unit, DAF/INV (cristina.tebar-less@oecd.org; +33 (0) 1 45 24 91 26); Barbara Bijelic, Legal Expert, Responsible Business Conduct Unit, DAF/INV (barbara.bijelic@oecd.org; +33 (0) 1 45 24 18 75)

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**COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS
TO THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

June 2014-December 2015¹

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

National Contact Points must regularly report to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines including implementation activities in specific instances.

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

¹ Until 2014, the reporting period for NCPs covered activities undertaken from June to June. From 2015 the reporting period will cover the period from January to December of each year. For practical reasons, the 2015 reporting period will also cover activities between June and December 2014.

COMMON REPORTING FRAMEWORK

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A. NCP contact information

- Contact name (s) : Cyril Liance
- Address : Rue du progrès, 50 1210 Brussels
- Website or webpage : www.oecd-guidelines.fgov.be
- Email : Cyril.liance@economie.fgov.be
- Telephone : +32 2 277 81 63

B. Institutional arrangements

Adhering governments have flexibility in organising their NCPs as long as the institutional arrangements meet the objective of functional equivalence and help further the effectiveness of the Guidelines. NCPs have to seek the active support of social partners, including the business community, worker organisations, NGOs and other interested parties as relevant.

1. In which governmental agency (ministry) is the NCP located?

Federal Public Service Economy (Ministry of Economy)

2. In the case of independent NCPs, how has the NCPs been set up?

In 1980 by law from the Belgian Parliament

3. Does the NCP include representatives from:

- Government agencies: **Yes/No**. If yes, please specify

The NCP members are the different Federal Public Services (Ministries of Health and Environment, Justice, Finance, Employment and Foreign Affairs) and representatives of the three regional authorities (Wallonia, Flanders, Brussels-Capital Region).

- Non-governmental bodies. **Yes/No**. If yes, please specify which:

- business : three representatives of the three different employers organisations (FEB, Agoria and Essenscia)
- trade unions : three representatives of the labour unions (CSC, FGTB and CGSLB).

4. What are the main considerations that have determined the current structure of the NCP? (check all that apply).

- **Increase the relevance of the Guidelines to the ministries/government bodies involved**
- **Ensure the independence of the NCP vis-à-vis the government**

- **Ensure accessibility of the NCP to stakeholders**
- **Involve relevant stakeholders in the NCP**
- Other : no

5. Does the NCP have an advisory body? Please indicate composition and functions.

The Expert Network has an advisory role towards the NCP (cf 7.).

6. Does the NCP have an oversight body? Please indicate composition and functions.

No

7. Please provide any other information on how its structure enables the NCP to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.

On the government side federal and regional entities are represented with different expertise, and the employers organizations and labour unions are also represented which gives at the same time expertise and balance. This gives also more leverage for the promotion of the Guidelines.

In addition, in late 2014, we created an expert network with 20 members from various field of competencies. They are available to provide expertise for our roundtables and events but also when we have to deal with specific instances.

8. How is the NCP funded? (check all that apply)

- **government budget**
- other (please specify) no

9. Does the NCP have dedicated staff? **Yes/No**. If yes:

- How many full time staff members?

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- How many part time staff members?

2 and the NCP is chaired by Mr Marc Van Hende, a former Director General of the Ministry of Economy who has been in the role since 2010.

10. Are the financial and human resources provided to the NCP sufficient for the NCP to carry out its mandate? **Yes/No**

11. What challenges does the NCP face in fulfilling its mandate? (check all that apply)

- **Lack of financial resources**

- **Lack of capacity**
- Lack of support from the government
- **Difficulties in engaging the business community, worker organisations, other non-governmental organisations, other interested parties.**
- Other

12. Please explain these challenges, and elaborate on additional elements that would be needed for the NCP to fulfil its mandate and functions.

With more staff we would be able to have more visibility as we need to raise awareness towards the NGOs. We would be also able to be more involved in the proactive agenda. We also have a lack of financial support for fact checking concerning specific instance.

13. Does the NCP report to the government on its activities? **Yes/No**. If yes:

- Through regular meetings
- Through established reporting channels
- **In an ad hoc manner**
- Other

14. Please specify to whom the NCP reports (ex. Parliament, governmental body, etc.)

We report to the minister of Economy.

15. Does the NCP coordinate with other domestic government bodies or representatives with regard to activities on responsible business conduct? **Yes/No**. If yes, please elaborate

We work closely with the Federal Institute for Sustainable Development and with other ministries in order to develop a National Action Plan for Human Rights.

C. Information and Promotion

16. Does the NCP have a dedicated website or dedicated webpages? If yes, please provide link.

www.oecd-guidelines.fgov.be, available in French and Dutch.

17. Are the Guidelines available online? **Yes/No**

18. Are the Guidelines available in print? **Yes/No**

19. Is the NCPs Annual Report available online or in print? **Yes/No**

20. Does the NCP have a promotional plan on the Guidelines? If yes, please provide details.

We have an Action Plan covering a two year period (2016-2017) we update this plan every year with the NCP members and the expert network.

21. Has the NCP implemented the actions identified in the promotional plan? Why or why not?

Most of the actions have been implemented, a few have been postponed to the next Action Plan.

22. How does the NCP inform investors about the Guidelines and their implementation? Through (check all that apply):

- Embassies
- **Export credits agency** : In the application forms to the export credit agency there is a page to sign by the investor that he is aware of the OECD Guidelines for multinational enterprises.
- Overseas investment guarantee body
- **Investment promotion agencies** : As the regions are members of the NCP it's easy to reach the three regional investment agencies.
- Other (please specify)

23. Has the NCP done any studies to assess awareness of enterprises on the Guidelines and the NCP? If yes, through:

- Survey(s)
- Regular meetings
- Other

24. What were the results of these studies/surveys?

25. Has the NCP organised any events to promote the Guidelines and their implementation procedure?

We organised two roundtables with some of our experts and companies, one was concerning conflict minerals and the other one about clothing. Also, on the request from TUAC we established, after consultation a report on the activities of two Belgian enterprises in Qatar.

26. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?

We attended and spoke in different small events organized in the context of the broader CSR picture.

27. Does the NCP cooperate with OECD partner organisations and/or other leading organisations working on responsible business conduct? Please check all that apply and provide further details on the nature of the cooperation.
- ILO
 - **UN Global Compact and its local networks**
 - UN Office of the High Commissioner on Human Rights
 - National Institution for the Protection and Promotion of Human Rights
 - **Global Reporting Initiative**
 - **ISO**
 - Other, please provide details.
28. Did the NCP receive enquiries about the Guidelines and the NCP? From (check all that apply):
- Business
 - **Labour organisations**
 - **Non-governmental organisations**
 - Government agencies
 - Other government (e.g. via embassies)
 - Other (individuals, press, academia)
29. If available please provide web statistics regarding your NCP's website:
- How many visitors did the website(s) receive in the reporting period?

From January to October 2015 about 1370 visits have been registered on the French version, the Dutch version got the most with 1843 visitors.
 - How many downloads of materials on the NCP website (e.g. the Guidelines, brochures, other materials) occurred during the reporting period?

D. Specific instances

According to the Procedural Guidance, NCPs are expected to contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines.

30. What are the NCP's procedures for handling specific instances? Please attach the procedures

Procedures are fully explained in our internal rules of procedure (règlement d'ordre intérieur) available on our website in French and dutch.

Where applicable please elaborate or note an absence of NCP procedures regarding:

- Requirements on submitting a complaint in a specific instance

Next year we will work on giving more explanations on how to fill a complaint to the NCP, a specific document will be released.

- Standing requirements for participating in a specific instance (e.g. rules around who is allowed to bring complaints to an NCP mechanism, who is allowed to participate in mediation).
- Confidentiality provisions
- Indicative timeframes for the different steps of the procedure
- Existence of a statute of limitations
- Publication and availability online of initial assessments

We don't have written initial assessment, we will consider this option for new cases.

31. How many new specific instance(s) did the NCP receive in the reporting period?

See Annex (template for reporting specific instances)

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32. What are the main challenges the NCP encountered in handling specific instances during the reporting period? (check all that apply).

- Parallel legal proceedings
- **Parallel public campaigning by complainant**
- **Unrealistic expectations regarding possible outcomes**

- **Unwillingness of the company to engage**
- Unwillingness of the complainant(s) to engage
- Other (please elaborate)
- No specific instances

E. Proactive Agenda

In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries.

33. Does the NCP engage in any of the multi-stakeholder advisory groups under the proactive agenda?

- Responsible Mineral Supply Chains? Yes/**No**. Please specify.
- Stakeholder Engagement in the Extractive Industries? Yes/**No**. Please specify.
- Responsible Business Conduct in the Financial Sector? Yes/**No**. Please specify.
- Responsible Agricultural Supply Chains? Yes/**No**. Please specify.
- Responsible Supply Chains in the Textile and Garment Sector? Yes/**No**. Please specify.

34. How does the NCP use and rely on guidance developed as part of the proactive agenda projects mentioned above? (check all that apply).

- **Promotion and awareness raising activities**

We organised two roundtable linked with recent works on due diligence, topics covered were about textile and extractive industries.

- Dealing with specific instances
- **Handling enquiries**
- Developing guidance at the national level
- Other

F. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to cooperate and engage in horizontal, thematic peer reviews and voluntary peer evaluations. Cooperation and experience sharing can be carried out through meetings at the OECD or hosted by a government and can include mentoring and coaching, direct co-operation between individual NCP on specific issues, etc.

35. How did the NCP engage in co-operation and experience sharing with other NCPs during the reporting period? Check all that apply:
- **Horizontal learning activities**
 - Co-hosting events
 - **Co-operation in handling specific instances**
 - **Mentoring/capacity building events**
 - Other
 - No co-operation
36. Did the NCP encounter any difficulties in co-operating with other NCPs? If yes, please elaborate.
37. Is the NCP interested in volunteering for a peer evaluation? **Yes/No**. Please indicate semester/year.
Our Peer Review took place in November 2015.
38. Is the NCP interested in being part of a peer review team? **Yes/No**. – Please indicate semester/year.
2017
39. Please provide suggestions for themes of future horizontal learning exercises.
40. Is the NCP interested in hosting an NCP learning/experience-sharing event? Please indicate semester/year.

G. Impact and future work

41. Have there been any measurable impacts of the Guidelines and/or the efforts of the NCP in the past implementation cycle? For example:
- **Have the Guidelines been referred to in national legislation** (e.g. on non-financial reporting, export credits regulation etc.)? We are currently working on the transposal of the EU directive about non-financial reporting, we pushed to use the guidelines as a standard. Also, in the application forms to the export credit agency there is a page to sign by the investor that he is aware of the OECD Guidelines for multinational enterprises.

- Do any domestic industry standards refer to the Guidelines?
- Other?

42. What are the new emerging challenges for enterprises identified by NCPs, notably in developing and emerging economies and sectors?

The respect of Human Rights in general is an important issue besides corruption is a threat and gets more sophisticated.

43. How has the NCP helped enterprises address these challenges?

We are working on toolkits to address these challenges.

44. What issues might deserve particular attention during the 2016 implementation cycle of the Guidelines? For example:

- Areas for which additional proactive agenda projects would be valuable

We expect a lot from the work on the development of a horizontal due diligence tool from the OECD.

- Areas where additional research or analytical support would be helpful
- Areas which would benefit from additional policy dialogue
- Other

ANNEX: TEMPLATE FOR REPORTING SPECIFIC INSTANCES

Please fill in, where appropriate and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary, the following template for each new specific instance received in the reporting period. Please also provide the link to the initial assessment, if available, and the final statement. Please note that specific instances that were rejected by the NCP also need to be reported upon.

- Title as it appears in the OECD's database of specific instances: Industry sector, host countries, etc.

Agriculture in Cameroun (not reported yet)

- Leading NCP: Belgium
- Supporting NCP: France and Luxembourg
- Description: (issues raised) : Environment, labour relations, lack of information and land grabbing
- Theme/s: (indicate the Guidelines chapters mentioned in the submission)

Chapter 2 : preamble, articles: 1,2,3,4,6,7 and 10

Chapter 3 : articles: 2,3,4 and 5

Chapter 4 : preamble, articles: 1.a),2,4.b),5 and 8

Chapter 5 : preamble, articles 1,2,3,6.d),7 and 8

- Host country/ies : Cameroun
- Source: (trade union, NGO, individuals, business or other interested parties)

4 NGOs

- Industry sector : Agriculture
- Status: In progress or Concluded

Concluded in 2015 but eventually reopening of the specific instance in 2016.

- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, follow up, etc.)
 - Specific Instance transferred to the Belgium NCP as a result of a lack of cooperation from the Belgian company SOCFIN;
 - Invitation of the Belgian NCP to come to the table of mediation but refusal by the company;
 - Final Statement by the Belgian NCP in October 2015;
 - Request from the SOCFIN group to reopen the case.
- Initial assessment: From date... to date... Please provide links to relevant public communication issues by the NCP and/or initial assessment.

Not yet published as we are currently reopening the case.

- Engagement with parties: From date... to date...

This specific instance was opened by the French NCP in 2010.

- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.

Our final statement from October 2015 (in French) :
http://economie.fgov.be/fr/binaries/Communiqu%C3%A9%20Socapalm-Socfin-Socfinaf_tcm326-274097.pdf

- Parties consulted with regard to the specific instance procedure
- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)
<http://mneguidelines.oecd.org/database/instances/fr0014.htm>

Are there any updates on specific instances that were reported and not concluded in the previous reporting period? **Yes/No.**

- **Update on specific instances from previous reporting period**
- Title as it appears in the OECD's database of specific instances: Industry sector, host country (ies), date specific instance was received

Destruction of property near a mine in the Democratic Republic of Congo, Mining industry, 4 April 2012

- Status: In progress and concluded

Concluded

- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, etc.)

<http://mneguidelines.oecd.org/database/instances/be0014.htm>

- Timeframe: 2012-2015 (follow up)

- Engagement with parties: From date... to date...

April 2012 – February 2013

- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.

Final statement (in French):

http://economie.fgov.be/fr/binaries/Forrest_Kawama_Katanga_RDCongo_20130212_fr_tcm326-213492.pdf

Follow up (in French): http://economie.fgov.be/fr/binaries/Comm%20Final%20-%20Forrest%20-%20Kawama%20-%20Katanga%20-%20RD%20Congo_tcm326-274098.pdf

- Parties consulted with regard to the specific instance procedure

3 NGOs and the company

- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)

<http://mneguidelines.oecd.org/database/instances/be0014.htm>