

**NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT**  
**INTERNAL REGULATIONS**  
**TEXT COORDINATED ON 16/05/2024**

**Creation**

Art 1. Pursuant to the decision of the Ministerial Committee for Economic and Social Co-ordination of 7 June 1979, a contact group on international investment and multinational enterprise issues is set up within the FPS Economy, within the framework of the instruments adopted by the Organisation for Economic Co-operation and Development (OECD) on 21 June 1976 and last updated on 9 June 2023 (hereinafter referred to as the Guidelines). Since 2000, the contact group has been known as the National Contact Point (NCP). These rules are based on the Guidelines.

**Composition**

Art 2. The NCP has a tripartite composition, i.e. delegates from the federal administration and the three regions, three representative employers' organisations and three nationally constituted cross-industry workers' organisations represented on the Central Economic Council and the National Labour Council.

The following organisations and public administrations will each appoint a representative:

**a) For the public authorities :**

- the Federal Public Services (FPS) Economy, Foreign Affairs, Employment, Justice, Environment, Finance and the three regional governments;

**b) For the workers :**

- the Confédération des Syndicats chrétiens, the Fédération Générale du Travail de Belgique, the Centrale Générale des Syndicats Libéraux de Belgique.

**c) For the employers :**

- la Fédération des Entreprises de Belgique, Comeos (Fédération belge du commerce et des services) Agoria (Fédération belge de l'industrie technologique).

Art 2 bis. At least once a year, the NCP will organise a consultation meeting with a delegation of NGOs designated by the three NGO umbrella organisations in Belgium (environment, human rights and development cooperation).

The purpose of the meeting is to provide an overview of the functioning of the NCP, to discuss current issues and problems and to strengthen relations with the NGOs.

Art 3. The NCP will be chaired by a representative of the FPS Economy, from the Directorate General for Economic Analysis and International Economics, appointed by the Minister for the Economy. Its secretariat will be provided by the officials representing the FPS Economy on the relevant Committees and Working Groups of the Organisation for Economic Co-operation and Development.

Art 4. Each authority referred to in Article 2 shall designate by name an effective and active representative within the NCP, as well as a deputy.

The names of the representatives will be communicated to the secretariat, which will draw up a list of members, enclosing their address and the authority represented. This list will be sent to the members. The names of the designated chairman and secretary will be attached to this list.

Art 5.

1. Each authority shall be entitled to replace its representative, on condition that it informs the secretariat, which will update the list and proceed as specified in Article 4.

Each body mentioned above guarantees the continuity of its representation on the NCP.

2. Each member may bring an expert with them after informing the secretariat. The expert does not have the right to vote.

Art 6. The NCP may call upon a network of experts in the various fields covered by the Guidelines. The network may provide advice and may be consulted by the NCP on general issues or on specific issues that have been submitted to the NCP.

A full description of the role and functioning of the network of experts is set out in Annex 1 to this Regulation.

Art 7.

The Chairperson, members of the Secretariat and appointed members of the NCP shall have sufficient knowledge of the Guidelines and experience in the field of corporate social responsibility.

If they have not received any training in mediation, the NCP may organise dedicated training from its own budget.

Art 8.

Members participate actively in NCP meetings. They shall liaise within their organisation on the NCP's activities and promote the NCP's events as necessary, while undertaking to take part in them.

Mission

Art 9. The NCP works in accordance with the criteria listed in the Guidelines, namely: visibility, accessibility, transparency, accountability, impartiality, predictability, fairness and compliance with the Guidelines. The NCP work is impartial and equitable, predictable and compatible with the Guidelines.

The NCP website is updated regularly with its reports and statements.

Art 10. In accordance with the Guidelines, the NCP has the following tasks:

a) information and promotion:

- to publicise the Guidelines and disseminate them by appropriate means;
- promote the OECD Guidance on Due Diligence for Responsible Business Conduct, including by supporting national governments' efforts to promote responsible business conduct;
- raise awareness, including by co-operating, as appropriate, with the business community, trade unions, non-governmental organisations and others;
- responding to requests for information on the Guidelines from other NCPs, the business community, trade unions, non-governmental organisations, the public, etc;
- where appropriate and in coordination with relevant government agencies, provide support to efforts by the government to develop, implement, and foster coherence of policies to promote responsible business conduct.

b) to contribute to the effective implementation of the Guidelines through the handling of specific instances (cases) submitted.

c) collect any information on the application of the Guidelines and on specific instances concerning them in other countries.

Art 11. The NCP may extend its mandate to the other instruments adopted in parallel by the OECD on 21 June 1976 and amended on 13 June 1979, 27 June 2000, 25 May 2011 and for the last time on 9 June 2023.

Similarly, the NCP will be able to extend its remit to examine any question relating to the actions or projects of another international organisation in the areas covered by the OECD Guidelines.

The government, through the Minister for Economic Affairs, may give the NCP assignments insofar as they fall within the scope of the Guidelines.

Art 12.

The NCP, in consultation with the Network of Experts, proposes a two-year action plan, updated annually and specified.

**Functioning**

Art 13. Except in cases of urgency, left to the discretion of the Chairman and after consultation with the Evaluation Committee for its opinion, and on an exceptional basis, the NCP will be convened by the secretariat by letter or e-mail sent at least 8 days before the date of the meeting. The notice shall indicate the agenda and the venue of the meeting.

Art 14. The agenda shall be set by the Chairman. Each organisation represented shall, however, be free to include on the agenda any matter falling within its remit.

Art 15. The NCP will hold at least four meetings a year, including a general meeting with the network of experts; the dates of the meetings are not fixed and other meetings may be convened as necessary:

- on the initiative of the Chairman
- at the request of one or more members;

In the latter case, the secretariat shall be informed in writing, shall place the matter on the agenda and shall proceed immediately as provided in Article 13. In addition, the member shall send it a written document, indicating the matter to be examined, its description and, if possible, the conclusions. This document shall be distributed under the responsibility of the organisation or department.

Art 16. Decisions of the NCP shall be taken as far as possible by consensus. In the event of persistent disagreement, a vote will be taken. Each member has one vote and a decision may be taken by a 2/3 majority in the presence of half the members. Members who disagree with the decision may state their opinion in the minutes.

**Procedure in specific circumstances (specific cases)**

Art 17. The NCP acts as mediator.

Art 18. The NCP will apply the procedures as determined in the revised OECD Guidelines of June 2023.

The full procedure for dealing with specific circumstances is set out in Annex 2 to this Regulation. The procedure for referring a case to the NCP is set out in Annex 3 to this Regulation.

Art 19. The members and experts of the NCP network undertake to respect the confidentiality of debates and documents. The minutes and conclusions of the NCP will be sent to the Minister of the Economy and to the members of the NCP.

Each NCP member may report to his or her delegating authority, which is responsible for taking the necessary measures to ensure confidentiality.

During the procedure for a specific instance, participants (parties to a complaint and members of the NCP) in meetings are required to respect the strict confidentiality of debates and various documents, in accordance with the OECD Guidelines.

Failure to respect confidentiality may result in permanent exclusion from the NCP and suspension of the procedure.

Art 20. Conflict of interest: concept and follow-up.

1. Any member actively involved in the facts concerned by the specific instance (case) will not be authorised to participate in its examination.

The same applies to any member who has, in a private capacity, interests related to the case submitted to the NCP for examination which could unduly influence the way in which he/she fulfils his/her obligations and responsibilities.

2. In such cases, the member concerned must inform the Secretariat and the Chair of the NCP. He/she may choose to withdraw from the procedure for examining the specific instance from the outset and ask the Secretariat to declare this interest. The member may also request a meeting with the NCP Secretariat and the Chair of the NCP to discuss further action to be taken on the conflict of interest situation, including submitting it to the members for their opinion.

If that member so requests and with the agreement of the Chair of the NCP, the Secretariat will ask the parties whether they consent to that member taking part in the examination of the case. If one of the parties objects or if the chair does not agree, that member will not take part in the examination of the case.

3. In circumstances other than those mentioned in §1, any member who considers that his/her position could be perceived as biased by one or more of the parties involved in the specific instance is invited to inform the Secretariat and the Chairperson of the NCP. In such a case, the same procedure as set out in paragraph 2 will apply.
4. Any member may also inform the Secretariat and the Chairperson of any situation that he/she considers to constitute a conflict of interest for one or more other members.
5. Any party to a case who considers that such conflicts of interest exist is invited to contact the NCP secretariat, which will give a reasoned decision after examining the evidence presented and consulting its members.
6. Upon receipt of a specific instance, the Secretariat and the Chair of the NCP will invite members to declare any financial or private interest with company(ies), institution(s) and group(s) other than those they represent within the NCP, whose missions or activities may have an impact on the NCP's areas of activity. This statement will determine whether the member(s) should be invited to withdraw from further consideration of the case.

Art 21. The admissibility of an issue raised by the implementation of the Guidelines in specific instances will be judged by an NCP Evaluation Committee. This Evaluation Committee is composed of members of the NCP, the Chairperson and the Secretary of the NCP. The Chairperson appoints representatives of federal and regional authorities, employers' organisations and trade unions on the basis of their expertise and specific involvement. The Evaluation Committee will be set up on a case-by-case basis and may be assisted by one or more experts or members of the network of experts appointed by the Chair and invited by the secretariat.

Art 22. In the event that the NCP decides on the admissibility of a specific case, it will follow the procedure as set out in the Guidelines.

#### Disclosure of information

Art 23. Minutes of each NCP meeting shall be drawn up by the Secretariat and shall include :

- identification of the meeting (year, order number, .....);

- the subject(s) discussed
- the final positions expressed
- joint conclusions, if any;
- minority opinions, if any, in accordance with Article 16.

Art 24. The NCP minutes will be provisionally circulated to all members and will be deemed approved in the absence of written comments from members within 2 weeks of being sent. Final approval is given at the next NCP meeting.

Art 25. Annually, the NCP prepares an activity report and forwards it, in accordance with the Guidelines, to the OECD Investment Committee. This report will also be sent to members and :

- members of the network of experts ;
- the Minister of the Economy ;
- the federal government via the Minister of the Economy; and
- the Chamber of Deputies;
- to regional governments and their parliaments via the members represented on the NCP.

The NCP may also decide to send it to other organisations or bodies.

The federal government and the Chamber may invite the President to comment on the report. The report will be published on the NCP's official website.

Art 26. The present internal rules may be adapted to the evolution of the Guidelines and to the needs demonstrated by practice.