

National Contact Point, The Netherlands  
Report 2004 (June 2003- June 2004)

A. Institutional Arrangements

The Ministry of Economic Affairs chairs the National Contact Point (NCP).

Ministry of Economic Affairs  
P.O.Box 20102  
2500 EC The Hague  
tel. 070-379 6378  
[www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl)  
ncp@minez.nl

Chair: Marinus Sikkel;  
Secretariat: Jeannette Baljeu

The NCP is an interdepartmental committee. All ministries of The Netherlands are invited to attend the meetings of the NCP. The NCP holds regular meetings with the social partners (business community and employee organisations) and NGO's. These meetings provide input for the position of The Netherlands in the CIME and WPD. During the meetings questions regarding the guidelines are discussed as well as possibilities to promote the guidelines.

B. Information and Promotion

To promote the guidelines the ministry of economic affairs hosts a website ([www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl)). The translation of the guidelines is available on the site.

Reports of specific instances are published on this site as well.

For 2003 a promotion plan was made. Unfortunately due to priority to specific instances and other CSR issues the resources for promotion of the guidelines were scarce. Although promotion is always at the attention of the Dutch NCP it seems to be one of the first activities to cut in periods of work pressure. Regarding promotion the following activities can be high lighted:

- Promotion of CSR and the OECD-guidelines by Ministers from several departments (Economic Affairs, Development Cooperation, Social Affairs and Employment)
- Participation of the NCP chair in national and international events. Seminars of the financial business sector had special interest. This sector is regarded to be one of the most interesting sectors to raise the CSR issue with companies, as their influence on businesses is very strong.
- The guidelines were promoted among business during the trade missions of the Minister of Foreign Trade.

- The annual studytour of the “young policy advisors” of the Ministry of Economic Affairs took place in India. CSR discussion with Dutch companies in India and Indian companies were part of the agenda.
- Cooperation with other stakeholders is part of the facilitating role that the Dutch government has in the field of CSR. This year cooperation with GRI was further developed. Cooperation with the consumer organisation led to a guest speech of the Dutch NCP chair during the annual meeting of world consumer organisations – Consumer International.
- Regular meetings with stakeholders provide the possibility for all to inform each other about concerns and activities of the OECD-guidelines and the NCP.

### C. CSR in the Netherlands/ Implementation in specific instances

CSR is still an issue of interest to government, business and civil society in the Netherlands. This year the discussion in public was focused on transparency and chain responsibility.

- The Advisory Board for Annual Reporting published a report on CSR reporting for businesses. Their recommendations confirmed the voluntary nature of CSR but gave further guidance/ tools for reporting on CSR.
- Special interest was given to the fight against poverty in the world. What role can companies play as foreign direct investors in developing countries. This was the subject of a seminar jointly organised by the Ministry of Economic Affairs and the Ministry for Development Cooperation. The seminar had a strong attendance from the business community.

### Specific issues at the NCP.

Since the revision of the OECD-guidelines in may 2000, the NCP has taken up eleven specific instances. Of the instances that were still under the NCP procedure of the former reporting periods, five have been finalised in this period. One instance was raised in this reporting period and was also finalised in this period. In conclusion the NCP finalised 6 specific instances in this reporting period.

### Finalised instances under the NCP in this reporting period (6):

- Two instances have been raised by the Labour Unions on the behaviour of companies in Burma.
  - In the first instance, the parties involved were FNV and CNV (labour unions) who raised an issue about the behaviour in Burma of IHC Caland (an engineering/construction/shipbuilding company). In the tripartite meeting Unions and IHC Caland agreed that they would look for ways to address the situation in Burma and look for possible action that can be taken to implement the OECD-guidelines. One of the activities resulting from this corporation was the decision by IHC CALAND to visit the Burmese ambassador in London. A representative of the labour union FNV (representing also CNV) was present at the meeting. In

the meeting IHC CALAND expressed its concern about violation of human rights and of the use of forced labour, as several international organisations had established. After being encouraged by the Dutch Minister of Foreign Trade IHC CALAND announced in April 2002 that it would not undertake any new activities in Burma. More information will soon be available in a NCP joint statement. ([www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) - [nationalecontactpunt/verklaringen](http://nationalecontactpunt/verklaringen))

- The second instance concerned the tourism section. The issue was raised in light of the activities of some tourism organisations despite the discouragement policy of the Dutch government on activities in Burma. Central question for the NCP in this specific instance was the investment nexus. The CIME confirmed last year that the instrument of implementation of the OECD-guidelines is applicable only if there is an investment nexus. After several meetings with the relevant parties in this specific instance it was decided that there was no investment nexus. The specific instance was therefore in retrospect denied. However, during the meetings some interesting information had been put forward by all parties. This resulted in some recommendations for companies and government to clarify their policy on Burma. The recommendations can be found on the NCP website [www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) – [nationale contactpunt/verklaringen](http://nationalecontactpunt/verklaringen)
- One instance has been put forward by the Labour Unions on timely information to labour representatives concerning the closure of a company.
  - The first instance concerned the closure of an affiliate of an American company and raised the question on who is in control of decision making, and at what point do you need to inform employees. The Labour Union withdrew their question in January '03, in relation to successful negotiations of a social plan. The Labour Unions also raised the question whether government should raise the issue at the NCP. The Ministry of Economic Affairs, as interested party, considered that it has other ways than the NCP to discuss such an issue with a company. The specific instance was not considered to be finalised as the NCP still had to give a statement. This statement will be published on the NCP website [www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) – [nationale contactpunt/verklaringen](http://nationalecontactpunt/verklaringen).
- One instance on the supply chain provision. The question arose whether this provision is also applicable to trade relations. After consultations with the parties concerned this question has been put forward by the Dutch NCP to the CIME. After the confirmation on the intent of the guidelines of the CIME (April '03) the NCP came to the conclusion that it should decline the specific instance in retrospect.
- One instance concerned fish-farming activities in Chile (September '02). It was decided that this instance should not be considered by the Dutch NCP but by the NCP of Chile. Nevertheless, the Dutch NCP acted as a mediator/facilitator for the Chilean NCP due to the involvement of a Dutch NGO and a Dutch company. The report of the Chilean NCP was very thorough and denied most of the allegations made by the NGO. As the newspapers had paid considerable interest in the issue when it was raised, the company wanted to meet with the Dutch NCP to discuss how this matter

had been addressed by the Dutch NGO and the media. The positive outcome of the report for the company was not mentioned in the media. The Dutch NCP will publish the report on the NCP website. ([www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) nationaal contactpunt/verklaringen). The instance is now considered to be closed for the Dutch NCP.

- One instance on the supply chain was raised by the Dutch NGO's Niza and Novib. The NGO's raised the issue following up of the UN-report on the DRC. After several meetings with the NGO and the Dutch company CPH (Chemie Pharmacie Holland) the NCP decided that the instance should be declined due to the lack of investment nexus. The company was willing to work on joint conclusions of the meetings were some recommendations to the company would be mentioned. The NGO did not agree with the lack of investment nexus and pulled out of the NCP procedure. Therefore a joint statement was not reached. The NCP published a statement on the NCP website ([www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) – nationaal contactpunt/verklaringen).

One instance is still under consideration of the NCP. The instance concerns the treatment of employees in the process of financial closure of a company (august '02). The trade union has been heard. The NCP is in contact with the legal representative to get more information. As the company no longer exists it is difficult to find the information of the closure of the company.

An overall view of all the specific instances raised with the Dutch NCP can be found on [www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl)

#### Procedure of specific instances

The NCP noticed last year that there was need for stronger time-management of the specific instances. This resulted in an agreement with all stakeholders where some guidance was given to the NCP secretariat. Whereas the specific instance itself can not be managed within a specific time limit some procedures during the instance can. The secretariat agreed to send draft minutes of meetings within two weeks after the meeting for parties to agree upon. And if necessary a date for a next meeting would be announced within two weeks after the last meeting. Much time is needed to reach a common statement of all parties involved. However the Dutch NCP feels it is useful to try and reach such a common statement.