NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2016)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP¹.

STRUCTURE

This questionnaire comprises 60 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning
- F. Policy coherence
- G. Impact and future work

Annex 1: NCP PROMOTIONAL ACTIVITIES Annex 2: SPECIFIC INSTANCES

TYPES OF QUESTIONS

1. Yes/No questions

Most questions are Yes/No questions. For each of these questions, please select "Yes" or "No" from the dropdown menu. If a question is not relevant to your NCP, please select N/A (not applicable).

Example:

(b) Promotional activities	
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? If yes, please provide details in table 1 in Annex 1.	Yes/No

2. Open-ended questions

a) Under certain Yes/No questions, there are open-ended questions to request more detail. For each open-ended question, an answer box is provided. Please keep responses precise and short.

Example:

(a) Location of the NCP	
1. Is the NCP located in a Ministry?	Yes/No
If yes, in which Ministry is the NCP located?	Click here to enter text
If yes, in which department of the Ministry?	Click here to enter text

¹ Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: "Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances".

b) "Additional comments" boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

Example:

Additional comments on Location of the NCP: Click here to enter text

TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire.

- Advisory body: Some NCPs have an advisory body which can be consulted by the NCP on a range of
 activities and issues on which it provides advice. Advisory bodies can include representatives from
 trade unions, NGOs, business and/or academia, along with representatives of other government
 ministries or agencies. They do not normally form part of the NCP and do not have decision-making
 power on accepting or concluding specific instances.
- Dedicated budget: A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry
 out its functions and activities.
- Independent NCP: An independent NCP is one whose members do not belong to a government administration, although generally an independent NCP will be supported by a secretariat based in a government administration.
- Oversight body: Some NCPs have an oversight body, which has a monitoring role, for example on whether the NCP has followed its own rules of procedures. They can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances.
- Stakeholder meeting: A stakeholder meeting is a meeting organised by the NCP to meet with stakeholders, including trade unions, NGOs and the business community that are not part of the structure of the NCP (i.e. they are not members of the NCP, nor present on advisory or oversight bodies).

REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2016.

SUBMISSION

The questionnaire should be completed by using this word document and sent by email to: <u>investment@oecd.org</u> copying <u>alison.holm@oecd.org</u> and <u>kathryn.dovey@oecd.org</u> by <u>16 January 2017</u>.

Should you have any questions on how to fill this questionnaire, please contact alison.holm@oecd.org.

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2016)

A. CONTACT INFORMATION	
Please provide the contact information of the person filling in the questionnaire.	
Name:	NCP Netherlands
Job title:	Secretariat
Email:	ncpoecd@minbuza.nl
Telephone number:	+31703484200

B. INSTITUTIONAL ARRANGEMENTS]	
(a) Location of the NCP		
1. Is the NCP located in a Ministry?	Yes	
If yes, in which Ministry is the NCP located?	Ministry of Foreign Affairs	5
If yes, in which department of the Ministry?	CSR	
2. Is the NCP located in an investment promotion agency?	N/A	
3. Is the NCP an independent NCP?	Yes	
4. Has the NCP been established through a legal, regulatory or administrative instrument (e.g. a decree)?	Yes	
If yes, please provide the name and date of this instrument	A Decree	
Additional comments on Location of the NCP: Click here to enter text.		
(b) Composition of the NCP		
5. Who are the members of the NCP? Please describe the functions of the members of the NCP (e.g. President, Secretariat, Independent expert, etc.). No names are required.	1 Chairman, 3 independent NCP members, 4 advisory members and 3 Secretariat staff members	
6. Does the NCP have dedicated full-time staff? If yes, please indicate the number.	Yes	3
7. Does the NCP have dedicated part-time staff? If yes, please indicate the number.	No	Click here to enter text.
8. Have any full-time or part-time staff members joined the NCP during the year? If yes, please indicate how many.	No	Click here to enter text.
9. Have any full-time or part-time staff members left the NCP during the year?	No	Click here to enter text.

10. Are other Ministries part of the institutional arrangements of the NCP? (e.g. represented on advisory or oversight bodies, participate in specific instances, etc.)	Yes	
If yes, please list the Ministries (e.g. Social Affairs, Labour, Trade, Environment, Foreign Affairs, Justice, Finance, etc.)	Ministry of Foreign Affairs, Ministry of Economic Affairs, Ministry of Social Affairs and Employment and the Ministry of Infrastructure and the Environment.	
11. Are social partners and other stakeholders (trade unions, business community, civil society and other non-governmental organisations) part of the institutional arrangements of the NCP? (e.g. represented on advisory or oversight bodies, represented on the NCP, take part in specific instances)		
NGOs	Yes	
Representatives of the business community	Yes	
Trade unions	Yes	
12. Does the NCP have an advisory body?	Yes	
If yes, please describe its functions	There are four advisory members from four ministries; Ministry of Foreign Affairs, Ministry of Economic Affairs, Ministry of Social Affairs and Employment and the Ministry of Infrastructure and the Environment.	
If yes, please list the names of organisations that are represented on the advisory body and the type of organisation, or provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)	The NCP members, the advisory members (4) and representatives from the most important stakeholders ('NCP+'): Union (FNV), Industry and employers organisation (VNO-NCW) and OECD Watch have a meeting four times a year.	
If yes, please indicate how often the NCP meets with the advisory body	Once a month	
13. Does the NCP have an oversight body?	No	
If yes, please describe its functions	Click here to enter text.	
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or please provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)	Click here to enter text.	
If yes, please indicate how often the oversight body meets	Choose an item.	
14. Does the NCP have a body for both advice and oversight?	No	
If yes, please describe its functions	Click here to enter text.	
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)	Click here to enter text.	
If yes, please indicate how often this body meets	Choose an item.	
	·	

Additional comments on Composition of the NCP : The NCP members and the advisory members have a meeting once a month. The NCP members, the advisory members and representatives from the most important stakeholders ('NCP+'); Union (FNV), Industry and employers organisation (VNO-NCW) and OECD Watch have a meeting four times a year. All relevant matters on the tasks of the NCP are discussed in those meetings. Notifications are confidential. <u>https://www.oecdguidelines.nl/oecd-guidelines/a/all-about-the- oecd-general-</u> <u>information/documents/publication/2014/07/01/ncp-</u> <u>establishment-order-2014</u>	
(c) Financial resources	
15. Did the NCP have a dedicated budget this year?	Yes
16. Did the NCP have a dedicated budget to conduct its promotional activities during the year?	Yes
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Choose an item.
17. Did the NCP have a dedicated budget to conduct its activities related to specific instances during the year?	Yes
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Choose an item.
18. During the year, was the NCP able to access funds for the following activities:	
Organising promotional events	Yes
Attending NCP meetings at the OECD	Yes
Attending events organised by other NCPs	Yes
Attending events organised by other stakeholders	Yes
Professional mediator fees or in-house mediator fees	Yes
Fact-finding research into specific instances	Yes
Additional comments on Financial resources: Click here to enter text.	
(d) Reporting	
19. Does the NCP report to the government on its activities?	Yes
If yes, how often?	Once a year
20. Does the NCP report to parliament on its activities?	Yes
If yes, how often?	Once a year

Additional comments on **Reporting:** <u>https://www.oecdguidelines.nl/oecd-guidelines/a/all-about-the-oecd-general-</u> <u>information/documents/publication/2014/07/01/ncp-</u> <u>establishment-order-2014</u> Refer to Dutch NCP Establishment order of 2014

C. INFORMATION AND PROMOTION]	
(a) NCP website ²		
21. Was a new NCP website created this year? If yes, please provide the link.	No	Click here to enter text.
22. Are the following items available on the NCP website:		I
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
Information on the NCP and its mandate	Yes	
The 2015 NCP Annual Report submitted to the OECD	Yes	
The NCP's own 2015 Annual Report	Yes	
Information about specific instances		
Information on how to submit a specific instance	Yes	
The NCP's rules of procedures	Yes	
All final statements since 2011	Yes	
Information on promotional activities		
Information on upcoming events promoting the Guidelines	No	
Information on past events promoting the Guidelines	Yes	
Contact information		
Information on how to make an enquiry to the NCP	Yes	
A phone number to reach the NCP directly	Yes	
An email address to reach the NCP directly	Yes	
Additional comments on NCP website: www.oecdguidelines.nl		
(b) Promotional activities ³		
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? If yes, please provide details in table 1 in Annex 1.	Yes	
24. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? If yes, please provide details in table 2 in Annex 1.	Yes	

² This includes dedicated NCP webpages as part of the Ministry's website.

³ Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

Yes
Yes
Yes
Yes
Yes

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
35. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
36. Are the rules of procedure available online? If yes, please provide link. If no, please attach a copy of the rules of procedure to this questionnaire	Yes	https://www.oecdguidelines.nl/notifications/ontended/contents/specific-instance-procedure
37. Were the NCP's rules of procedure modified this year?	No	

Additional commands on the continue Dudoe of	
Additional comments on the section Rules of procedure:	
https://www.oecdguidelines.nl/notifications/co	
ntents/specific-instance-procedure	
(b) Specific instance practicalities	
38. Does the NCP confirm receipt of a specific instance submission?	Yes
39. Who has the final sign-off on accepting a	
specific instance?	
Please provide the function of the relevant staff	The 4 independent NCP members
within the NCP. No names are required.	
40. Who has the final sign-off on final	
statements?	The 4 independent NCP members together with the complainants
Please provide the function of the relevant staff	and the companies involved.
within the NCP. No names are required.	
41. Does the NCP request feedback from the	
parties on the procedure following the	Yes
conclusion of a specific instance?	
42. Has the NCP staff undergone training in	
dispute resolution or problem-solving (e.g.	No
mediation)?	
43. Did the NCP engage professional mediators	Yes
during the year?	
Additional comments on the section Specific instance practicalities: https://www.oecdguidelines.nl/notifications/co ntents/specific-instance-procedure	
(c) Reporting specific instances	
44. Did the NCP receive new specific instance	
submissions during the year?	Yes
If yes, please also provide details in Annex 2	
45. Of the specific instances that were already in	
progress at the start of the year, are there any	
that are still ongoing at the end of the calendar	Yes
year?	
If yes, please also provide details in Annex 2	
Additional comments on the section Reporting	
specific instances:	
https://www.oecdguidelines.nl/notifications/con	
tents/overview-notifications/closed-procedures	
https://www.oecdguidelines.nl/notifications/con tents/overview-notifications/open-procedures	
tents/overview-notifications/open-procedures	

E. PEER LEARNING

46. Did the NCP take part in the following activities with other NCPs during the year:

NCP-hosted peer learning activities	Yes
Co-operation with other NCPs in handling specific instances	Yes
Mentoring/capacity building of another NCP	Yes
47. Is the NCP interested in hosting an NCP learning/experience- sharing event in 2017?	No
48. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Due Diligence
49. Is the NCP interested in participating in developing tools for use by NCPs?	No
Additional comments on the section Peer-learning activities : Click here to enter text.	

F. POLICY COHERENCE ⁴		
50. Have the Guidelines been referred to in relevant national legislation adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)	No	
If yes, please provide a link to the legislation. If a link is not available, please attach a copy of the legislation to this questionnaire.	Click here to enter text.	
51. Did the NCP communicate public statements on specific instances to public procurement officials?	Yes	
52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	Yes	
53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes	
54. Did your country adopt a National Action Plan (NAP) this year? If yes, please indicate which type of NAP	No	Choose an item.
If yes, does the NAP make reference to the Guidelines?	No	
If yes, does the NAP make reference to the NCP?	No	
55. Was a NAP in development this year? If yes, please indicate which NAP.	No	Choose an item.
If yes, did the NCP participate in the development of the National Action Plan?	No	
56. Please indicate any other examples of policy coherence activities:	CSR Website	

⁴ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specifics agency's policies and programmes [...]."

Additional comments on Policy Coherence: https://www.government.nl/topics/corporate-socialresponsibility-csr https://www.rijksoverheid.nl/documenten/publicaties/2014/01 /30/national-action-plan-on-business-and-human-rights https://www.rijksoverheid.nl/onderwerpen/internationaalmaatschappelijk-verantwoord-ondernemen-imvo (Dutch)

G. IMPACT AND FUTURE WORK	
57. Does the NCP have a promotional plan for the coming year (2017)?	Yes
58. Is the NCP interested in being a <u>reviewer</u> in a peer review planned in 2017 or 2018?	Yes
59. Is the NCP interested in being an <u>observer</u> of a peer review planned in 2017 or 2018?	Yes
60. Has the NCP faced any particular challenge(s) it would like to highlight this year?	n/a
Additional comments on the section Impact and future work : The Dutch NCP is interested in participating in a peer review.	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2). Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event. Please add additional lines if needed.

*Under "Type of intervention", you may specify what form the intervention took: e.g. participation in a panel, speech, workshop lead... Under "Theme of the intervention", you may specify what the intervention was about: e.g. RBC, the Guidelines, handling specific instances, a specific sector, due diligence...

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Organised or co- organised?	Targeted audience e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.	Theme e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.
OECD- Guidelines 40 years onwards	03/11/2016	The Hague, Netherlands	Conference	50-100	Organised	Multinational Enterprises, NGO's, Universities, Government representatives	The future of the OECD Guidelines in the anniversary year 2016
CSR Risk manageme nt in internal processes	19/04/2016	The Hague, The Netherlands	Conference	50-100	Organised	Multinational Enterprises, NGO's, Universities, Government representatives	Due Diligence, CSR Risk management
CSR Training Workers Council members	16/11/2016	The Hague	Other	50-100	Organised	Worker's Council members of Multinational Enterprises	Yearly training

Table 1

Total number= 3

<u>Table 2</u>

					Targeted audience			
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc	Organiser(s)	Type of intervention	Theme of the intervention
CSR Banking Covenant	11/02/2016	The Hague	Meeting	10-50	Business Reps, NGO's, Government reps	Ministry of Foreign Affairs	Check if OECD GLs are imbedded in Covenant	CSR Covenant/OECD GLs
Multi stakeholder CSR Covenants	15/03/2016	The Hague	Meeting	10-50	Business Reps, NGO's, Government reps	Ministry of Economic Affairs	Check if OECD GLs are imbedded in Covenant	CSR Covenant/OECD GLs
Peer Learning OECD GLs Construction Sector	15/04/2016	London	Conference	50-100	Business Reps, NGO's, Government reps	NCP UK	Panel	GLs, RBC
EU Business & Human Rights	11/05/2016	Amsterdam	Conference	50-100	Business Reps, NGO's, Government reps	Ministry of Foreign Affairs	Participation	GLs, RBC
8th European Corporate Governance	25/05/2016	Amsterdam	Conference	>100	Business Reps, NGO's, Government reps, CEO's, Unions	CSR NL	Panel	GLs, RBC
CWC workers capital conference in Amsterdam	08/06/2016	Amsterdam	Conference	>100	Business Reps, NGO's, Government reps, CEO's, Unions	ITUC/TUAC	Presentation	NCP, GLs, RBC
CSR, Working Standards	22/09/2016	The Hague	Conference	50-100	Business Reps, NGO's, Government reps, CEO's, Unions	Organisation for Employment Law	Panel	NCP, GLs, RBC
international codes of conduct	September 2016	The Hague	Other	10-50	lawyers, scientists	Ministry of Economic Affairs	Presentation	NCP, GLs, RBC
CSR Director of the Netherlands	29/09/2016	The Hague	Meeting	<10	New Director of CSR Netherlands	MVO-NL	Meeting	NCP, GLs, RBC
40 years OECD GL trends, experiences, challenges	07/10/2016	Warsaw	Conference	50-100	NCP's	Polish NCP	Attendance	Advising member of Dutch NCP
Dutch Visitors Program Human Rights	13/10/2016	The Hague	Meeting	10-50	Talented young CSR professionals	RVO		NCP-Governance, RBC, GLs

Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

- Specific instances in progress during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
- Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
- Specific instances not accepted during the year (specific instances that the NCP found not to merit further examination).

Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this form to Alison.holm@oecd.org and Kathryn.dovey@oecd.org⁵.

For all specific instances that are currently IN PROGRESS:							
Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.			
<u>Former</u> employees of <u>Bralima vs</u> <u>Heineken</u>	08/06/2015	Yes	http://mneguidelines.oecd.org/datab ase/instances/nl0027.htm	Νο			
SPECIFIC INSTANCE Renault Nissan	20/12/2016	in progress		Japan/France and US			

⁵ According to paragraph 42 of the Commentary on the Implementation Procedures of the OEDC Guidelines for Multinational Enterprises, "[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment".

Alliance			
UAW/IndustriALL			
Notification specific			
instance concerning			
Philips	16/12/2016	in progress	no
Lighting/Royal			
Philips			
UNI Global Union vs			
VimpelCom	7/7/2016	in progress	no

Total number= 4

For all specific ins	For all specific instances that were CONCLUDED during the year:						
Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Follow-up by the NCP	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.	
Both ENDS, Fórum Suape vs Atradius DSB	03/12/2015	30/11/2016	http://mneguidelines.oe cd.org/database/instanc es/nl0026.htm	Agreement reached between the parties inside the NCP process	No follow-up	No	
<u>Bart Stapert,</u> attorney, vs <u>Mylan</u>	03/03/2015	11/04/2016	http://mneguidelines.oe cd.org/database/instanc es/nl0025.htm	Change in company policy/procedure	Follow-up conducted: Agreement was implemented in full	No	
<u>FS</u> <u>Netherlands</u> <u>Friends of the</u> <u>Earth vs</u> <u>Rabobank</u> <u>Milieudefensie</u>	27/06/2014	15/01/2016	<u>http://mneguidelines.oe</u> <u>cd.org/database/instanc</u> <u>es/nl0024.htm</u>	Agreement reached between the parties inside the NCP process	Follow-up conducted: Agreement was implemented in full	No	
Click here to enter text.	Click here to enter text.		Click here to enter text.	Other	N/A - no outcomes achieved	No	

Total number=	Total	num	ber=
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3

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

END OF QUESTIONNAIRE